Law
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August Grafmann

CHARTER

—OF—

THE CITY OF HOBOKEN,

—TOGETHER WITH THE—

GENERAL LAWS AFFECTING THE CITY.

COMPILED AND REVISED

—FOR—

THE MAYOR AND COUNCIL,

—BY—

JAMES F. MINTURN,

Counsel to the Corporation.

HOBOKEN:
THE EVENING NEWS PRINT.
1890.

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PREFACE.

The constitutional inhibition which renders special legislation inapplicable to cities is the compiler's principal, yet ample apology for the dimensions of this work and the delay incident to its production. The legislation specially applicable to the City of Hoboken under the guise of general laws is in the main problematical. Whether the laws relating to cities contained in this compilation will in each instance prove to be applicable to Hoboken, or stand the test of the constitutional mandate can be determined with certainty only after presentation to the Judicial power. The compiler's aim has been (and it is hoped that in this respect he has met with some measure of success) out of the vast mass of uncertain and incongruous material before him, to cull and compile in a manner at once orderly, clear and comprehensive to the citizen and official such laws as in the opinion of the reviser may probably affect the city.

Dated October 1st, 1890.

JAMES F. MINTURN,
Counsel to
the City of Hoboken.

August Grafsmann

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AN ACT TO INCORPORATE THE

CITY OF HOBOKEN.

PASSED MARCH 28, 1855.

OF THE BOUNDARIES AND CIVIL DIVISIONS OF THE CITY.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the inhabitants of that part of the county of Hudson embraced within the following boundaries, to wit: Beginning at a point in the middle of Hudson River due east from the mouth of Loss or Sluice creek; thence running due west to the centre of said creek at its mouth; thence along the centre of said creek, the several courses thereof, to the great bend in the same; thence down the centre of the principal ditch, of the west line of lands of the late John G. Coster, to the public road

leading from North Bergen to Hoboken; thence due south to the north line of Jersey City; thence along said north line easterly to the mouth of Eel creek; thence to the middle of Hudson river; thence northerly up and along the middle of said Hudson river, to the point of beginning, be and they are hereby constituted a body corporate and politic, in fact and in name, by the name of "The Mayor and Council of the City of Hoboken;" and they and their successors may use a common seal, and, by their corporate name, shall be in law, within the limits and under the restrictions hereinafter prescribed, capable of purchasing, holding, and conveying, for the public use of said corporation, any estate, real or personal, that the public good requires to be so purchased, held or conveyed; and the said Mayor and Council of the City of Hoboken, and their successors, shall, by virtue of this act, become and be absolutely and completely vested with all the lands, tenements, hereditaments, property, rights, causes of action, and estate whatsoever, both in law and in equity, in possession, reversion, or remainder, which at the time of the passing of this act are vested in or belong to the inhabitants of the township of Hoboken, in their corporate capacity, and be liable to pay all the just debts of the said inhabitants of the township of Hoboken owed in their corporate capacity.*

BOUNDARIES OF WARDS.

2. *And be it enacted*, That the said city shall be

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* The township of Weehawken was created from Hoboken by laws of 1859 The southerly boundaries were regulated by laws of 1867.

The boundary line between Hoboken and Jersey City was fixed by laws of 1851 and 1867.

A portion of Weehawken, south of Loss Creek, was reannexed to Hoboken by act of 1874.

divided into three districts or wards, in the manner following, to wit: All that part of the city lying south of the middle line of Third street shall constitute the first ward of said city; and all that part lying north of the middle line of Third street and east of the middle line of Bloomfield street, shall constitute the second ward of said city; and all that part of said city lying north of the middle line of Third street, and west of the middle line of Bloomfield street, shall constitute the third ward of the said city of Hoboken.*

OF THE OFFICERS OF THE CITY.

3. *And be it enacted*, That hereafter, and until otherwise provided for by law, there shall be elected, in and for the said city, a Mayor, a Treasurer, a Clerk of the city, a Collector, a Collector of Arrears of Taxes, an Overseer of the Poor, a Superintendent of Common Schools, a Street Commissioner, a Pound Keeper, a Chief Engineer of the Fire Department, and one Assistant Engineer, who shall hold their offices for one year, all of whom shall be elected at the charter elections, except the Chief Engineer and Assistant Engineer of the Fire Department, who shall be elected by the members of said department, in the same manner as prescribed by an act entitled, "An act to incorporate the Fire Department of the township of Hoboken, in the county of Hudson," approved

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* An act was passed in 1869 creating the Fourth Ward. See page 116, laws of 1869.

The Third Ward, by act of 1874, was made to include that portion of the annexed district of Weehawken lying west of the centre line of Bloomfield street.

The Second Ward, by the same act, was made to include all east of the centre line of Bloomfield street.

The Council may, by a three-fourths vote, divide any ward into two wards once in five years.

March fifteenth, one thousand eight hundred and fifty-four.*

WARD OFFICERS.

4. *And be it enacted*, That the ward officers shall be, for each ward, two Councilmen, one Judge of Election, two Inspectors of Election, one Assessor, two Trustees of Common Schools, two Chosen Freeholders, one Constable, one Commissioner of Appeals, and a Clerk, who shall be Clerk of Election; and the Councilmen of each ward shall perform such duties as by the laws of the state devolve ex-officio on the Town Committeemen in the other townships of this state; and each ward, for general purposes not pro-

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* By act of 1889 the term of the office of Mayor is extended to two years.

By act of 1889 the Treasurer's term of office is extended to two years.

By act of 1882 the office of City Clerk was made appointive by the Council.

The office of Collector was merged into that of Collector of Revenue by act of 1871, and his term of office was increased to three years by act of 1872.

The Overseer of the Poor, the Poundkeeper and Street Commissioner were made appointive offices by act of 1865.

The office of Superintendent of Common Schools was abolished by same act.

By the same act the Council was empowered to appoint a Corporation Attorney, a City Physician, a Corporation Printer, a Sergeant-at-Arms of the Council, "and such subordinate officers as they shall think necessary for the better ordering and governing of the city."

By act of 1885 the Council was empowered to appoint a Corporation Attorney for any period not to to exceed five years.

By an act of 1889 the Mayor was given the appointment of a City Physician, subject to confirmation by the Council.

The Assessor was made a city officer by act of 1871, and his term of office was by act of 1888 increased to three years.

By act of 1865 the election of Recorder was provided for, whose term of office was fixed at three years.

The election of Comptroller was provided for by act of 1873, but that act was repealed and the office abolished by act of 1874. By act of 1882 the Council was empowered to create the office by ordinance, appoint a Comptroller and prescribe the duties of the office.

The appointment of one or more Weighers and Sealers of Weights and Measurers was provided for by act of 1867.

The Chief and Assistant Engineers of the Fire Department are still elected by the members of the department. See section 3 above.

Water Commissioners are elected by the people for the term of five years.

The Water Registrar is elected for the term of three years.

An Assistant Treasurer, appointed by the Treasurer, is provided by laws of 1888.

vided for in this act, shall be considered a township, and each of the three City Assessors shall, in the meeting of County Assessors, have the same voice as the Assessors of any township in the county.*

ELECTION OFFICERS—PROVISO.

5. *And be it enacted*, That the charter election shall be held on the second Tuesday in April, in each year, at such place, in each ward, as a majority of the Council shall designate: *provided, however*, that the first election shall be held for the First ward, in the town hall; for the Second ward in school room in Washington street, near Fourth; and for the Third ward. in the academy on public square on the north side of Fourth street, in rear of Methodist Church, or at such other places as the Township Committee may direct; said elections shall be held and conducted by the Judge, Inspectors and Clerk of Election, at the same hours, in the same manner, and under the same regulations, in all things, as prescribed by law for the State elections and for members of the Legislature, except that the return of the election shall be made to the City Clerk within forty-eight hours after the closing of the polls, which return shall be a full, true and correct copy of the original statement of the result of such election, made by such Judge and Inspectors, and shall be signed by them with their own hands and attested by the Clerk, and the City Clerk shall, when he receives such return, immediately file the same in his office as an official paper.†

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*Three School Trustees are now elected. Laws of 1865.

Ward Assessors were abolished and a City Assessor substituted by act of 1871.

Each ward is entitled to two Commissioners of Deeds and two Tax Commissioners.

†This section is qualified by chapter XLII., laws of 1888, regulating the duties of Inspectors and the City Clerk.

WHO ENTITLED TO VOTE.

6. *And be it enacted*, By every person who would, by the existing laws of the State, be entitled to vote* at an election for members of the Legislature, if held on that day, shall be entitled to vote at the charter election; and any person voting in any ward shall have actually resided in said ward at least five days previous to such election, and he shall be entitled to vote in said ward, and no other; and no person shall be eligible to vote upon any proposition appropriating moneys raised or to be raised by taxation, unless he shall be entitled to vote at the charter elections for charter officers.†

ELECTION DECLARED.

7. *And be it enacted*, That the person or persons receiving the greatest number of votes of those given in the city, for any city office, and of votes given in each ward respectively, for any office in that ward, shall be elected to that office.

DUTIES OF BOARD OF CITY CANVASSERS.

8. *And be it enacted*, That the Judge of Election in each ward, in every such election, shall attend the meeting of the Board of City Canvassers, hereinafter provided for, as a member thereof, with the original statement of the result of such election in such ward, which shall have been made, signed and certified as hereinbefore directed; that the Judges of Election shall constitute the Board of ity anvassers. A

*The qualifications for voting are one year's residence in the State, five months in the county; and for charter elections, five days in the ward prior to the day of election.

†So much of the above section as relates to the appropriation of moneys by popular vote was repealed by act of 1875, and the Board of Tax Commissioners was created thereby.

majority of said Board shall be a quorum, and the City Clerk shall be Clerk of said Board; that such Board shall meet on the Friday next after such election, at five o'clock in the afternoon of that day, at the Council Chamber in said city, and at that hour, without delay, the members of said Board who shall be then present, if more than two in number, shall proceed to chose one of their number, who shall be Chairman thereof; and as soon as such Chairman shall be appointed, it shall be his duty to administer to each of the other members, and of each of the other mem bers to take an oath or affirmation in the following form: "I do swear (or affirm, as the case may be,) that I will faithfully and impartially execute the duties of a member of this Board of City Canvassers according to law;" and thereupon one of the members of said Board shall administer to said Chairman, and said Chairman shall take an oath or affirmation in the same form as that taken by the other members of such Board; and if the City Clerk shall be absent at such meeting, at the time appointed therefor, the Board shall forthwith, after the oaths or affirmations shall have been administered, as herein before directed, proceed to appoint a fit person to be Clerk of such Board; and before proceeding to canvass and estimate the votes, the Chairman of the said Board shall administer to the Clerk thereof, and the said Clerk shall take an oath or affirmation in the following form: "I do swear (or affirm, as the case may be,) that I will faithfully execute the duties of Clerk of this Board, according to law;" thereupon the Judges of Election, who shall be present as members of said Board, shall produce the original statements which shall have been delivered to them, respectively, by the electors, and laid before such Board; and from them the said Board shall proceed to ascertain the votes given at such election, for the several persons voted for thereat, and for

the several offices mentioned in such statements.*

CERTIFIED COPY OF STATEMENT MAY BE USED IF ORIGINAL NOT PRODUCED.

9. *And be it enacted*, That if any of the Judges shall be unable to attend such meeting, on the day appointed therefor, he shall, at or before the hour of five o'clock in the afternoon of that day, deliver, or safely transmit to the City Clerk, the original statement of the result of the election, which shall have been delivered to him, as herein before directed; and if, for any cause, such original statement shall not be produced to said Board of City Canvassers at the time appointed for the meeting of said Board, the City Clerk shall produce and lay before the said Board the certified copy thereof filed in his office; and thereupon the said Board shall proceed to make their statement and declaration from such certified copy, in the same manner and with the same effect as if the original statement had been produced by the Judge of Election to whom the same was delivered.

WRITTEN STATEMENT TO BE MADE.

10. *And be it enacted*, That the said Board of Canvassers shall make a written statement of the whole number of votes given for Mayor of said city, as well as for the several other officers to be elected for said city, and the several wards thereof, the names of the persons for whom such votes were given, and the number of votes given for each.

STATEMENT OF BOARD OF CANVASSERS TO BE FILED.

11. *And be it enacted*, That upon such statement,

*The words, "together with the members of the Board of Commissioners whose term of office will not expire until after the next succeeding charter election," were formerly part of section 8, after the words "Judges of Election," but were stricken out by supplement of 1863. The same act substituted the word "two" for "five" after the word "than" in the the same section.

the Board shall proceed to determine and declare what person or persons have received the highest number of votes for each of the offices mentioned in such statement; in case any two or more persons shall have received an equal number of votes for the same office, a new election shall be ordered within five days from the meeting of said Board, to fill any or all such offices; the statement and final declaration of the Board shall be certified by the presiding officer and Clerk, and filed in the office of the City Clerk.

STATEMENT AND DECLARATION TO BE PUBLISHED.

12. *And be it enacted*, That the Clerk shall keep proper minutes of the proceedings of the Board, and enter the same, with the statement and declaration of the Board, in the book of minutes of the Council; said statement and declaration shall, within one week thereafter, be published in one or more of the newspapers printed in said city; and within ten days after the Board shall have determined what persons have been elected to the several offices of said city, the said Clerk shall cause written notices of his election to be given to each of the persons so elected.

STATE AND COUNTY ELECTIONS.

13. *And be it enacted*, That all elections hereafter to be held within the city, for members of the Senate and General Assembly of this State, for Sheriff, Clerk, Surrogate, and Coroners of the County of Hudson, and for members of Congress and Electors of President and Vice President of the United States, or for any other officers of the General or State government or officers of the said County of Hudson, to be elected by the people, shall be held in the several wards of the said city, at the places therein appointed by the Council for holding the city elections, on the day or days

which now are or hereafter may be designated for holding such elections; the polls shall be opened at eight o'clock in the forenoon, and closed at seven o'clock in the afternoon; and the Judges and Inspectors of Election before mentioned shall preside at and conduct all such elections; and the clerks of the said wards shall be the clerks of such elections in their respective wards; every person in said city, entitled to vote at such elections, shall give his vote in the ward wherein he actually resides at the time of such election, and not elsewhere; and in case any person, at any election whatever held in said city, shall vote, or offer his vote, in a ward in which he is not entitled to vote, he shall be liable to the penalty prescribed in the fiftieth section, chapter first, of the act entitled, "An act to regulate elections," approved April sixteenth, one thousand eight hundred and forty-six, to be sued for and recovered, in the name of the clerk of the ward where the offense shall be committed, in an action of debt, with costs, and applied to the use of the poor of said city.*

DUTIES AND POWERS OF OFFICERS OF ELECTION.

14. *And be it enacted*, That the said Judges and Inspectors of Election shall take the same oaths, and conduct such elections and make returns thereof, in the same manner as the township officers of election are or may be by law required to do, and shall be vested with the same powers and authority, entitled to the same compensation, and perform the same duties, and be subject to the same penalties, as the like officers of the townships of this State are or may be by law vested with, allowed, or subject to; and in case of the absence, death, incompetency, or refusal

*By act of 1889 the polls shall be opened at six o'clock in the morning and closed at seven o'clock in the evening.

to serve of any of the said officers of elections at any election provided for by this act, such vacancy or vacancies shall be supplied in the manner prescribed by law for supplying such vacancies in the townships of this State; and the Clerk of the city shall procure election boxes for the use of the several wards, in such manner and of such descriptions as are required to be procured by the township clerks of this State, and be subject to the same penalties as township clerks are subject to for neglecting to procure such boxes, and keeping the same in repair.*

DUTIES AND POWERS OF MAYOR.

15. *And be it enacted*, That the Mayor shall be elected annually, and no person shall be eligible to that office unless he shall have resided in the city at least two years, and attained the age of thirty years; it shall be his duty to see that the laws of the State and the ordinances of the city are faithfully executed therein, and to recommend to the Council such measures as he may deem necessary or expedient for the welfare of the city; as the head of the police of the city he shall maintain peace and good order therein, and shall have power to suppress all riots and tumultuous assemblies, and to cause to be arrested, without process or warrant, and to commit for trial, all persons violating, or whom he has reason to believe have violated, the laws of the State or ordinances of the city; he shall possess the same powers and authority in criminal cases with which Justices of the Peace are invested; he shall have power to suspend any policeman for cause, to be by him assigned to the

*By act of 1888 "the Board of Aldermen" shall appoint four proper election persons for each election district, to be known as "Inspectors of Election," two from each political party; the act imposes certain restrictions and qualifications on appointment, and provides for the creation of a Board of Registry. And the act provides that a patent ballot box, known as "Wood & Keenan box," be used at all elections.

Council in writing; in case of his absence from the city, or his inability to perform the duties of his office, the Chairman of the Council shall, during the continuance of such absence or inability, be vested with the powers and execute the duties of the Mayor.*

JUSTICES OF THE PEACE TO ISSUE WARRANT FOR BREACH OF ORDINANCES—PROVISOS.

16. *And be it enacted*, That any Justice of the Peace in said city be and he is hereby empowered, on oath, affirmation, or affidavit, made according to law, that any person or persons has or have been guilty of a violation of any of the ordinances of said city, to issue a process, either in the nature of a summons or a warrant, as to him may seem most advisable, against the person or persons so violating such ordinance, which process shall, when in the nature of a warrant, be returnable forthwith, and when in the nature of a summons, be returnable in five entire days; that such process shall state what ordinance or ordinances the defendant or defendants named therein has or have violated, and in what manner the same has been violated; and that on the return of such process, or at the time to which the Justice of the Peace shall have adjourned the same, the said Justice of the Peace shall proceed to hear testimony, and to determine and give judgment in the matter, without the filing of any pleadings; and that the Justice of the Peace shall, if judgment be rendered for the plaintiff, forthwith enter execution against the goods and chattels and person of the defendant or defendants; *provided*, that in all cases where the fine or penalty shall

* By act of 1889 the term of office of the Mayor is now two years.
The Mayor is now an *ex officio* member of the Trustees of the Free Public Library. Laws of 1884.
And also Chairman of the Board of Police Commissioners. Laws of 1870.
And a member of the Board of Trustees of the Hoboken Cemetery. Laws of 1875.

exceed ten dollars, or where the punishment may be imprisonment, there may be a trial by jury, to be conducted as in cases now triable by jury in the courts for trial of small causes, and also an appeal, as in cases where appeal may now be had from judgments in courts for the trial of small causes; *and provided also*, that in all cases an appeal may be made to the Council for a remission of any penalty that may be inflicted or adjudged.*

PENALTY FOR NOT DELIVERING BOOKS TO SUCCESSOR.

17. *And be it enacted*, That if any person, having been an officer of the said city, shall not, within ten days after he shall have vacated or been removed from the office, and upon notification and request by the City Clerk, or within such reasonable time thereafter as the Council shall allow, deliver over to his successor in office all the property, books and papers belonging to the city, or appertaining to such office, in his possession or under his control, he shall forfeit and pay to the city the sum of five hundred dollars, to be sued for and recovered, with costs.

VACANCIES—HOW SUPPLIED.

18. *And be it enacted*, That in case a vacancy shall occur, either by a refusal to serve, death, removal, resignation, or from any other cause whatever, in any of the offices mentioned in the preceding sections of this act, it shall and may be lawful for the City Council to appoint others to fill such vacancies for the unexpired terms, (except) such as are heretofore provided for; and the person or persons so appointed to fill such vacancy or vacancies shall, during the said

*The powers of the Justices of the Peace above recited have been repealed, and the Recorder of the city is now the proper magistrate to entertain complaints for the above offences. Laws of 1851.

term, perform the like services, and be entitled to the same compensation, and subject to the like responsibilities and penalties as if elected at the annual election aforesaid; and if any of the officers elected at the said annual elections, or who shall be appointed to fill any vacancy under this act, shall not qualify according to law within twenty days after such election shall be held or appointment made by the City Council, the office to which he or they were elected or appointed shall be deemed vacant.*

DUTIES OF TREASURER.

19. *And be it enacted*, That the Treasurer shall receive, safely keep, and disburse, under the direction of the Council, all moneys belonging to or under the control of the city; he shall also keep an accurate account of all receipts and payments, and make returns thereof monthly, or oftener if required, in such manner as the Council shall direct; no money shall be paid out of the treasury, except on warrant signed by the Mayor or Acting Mayor, and countersigned by the City Clerk, except for the payment of bonds for the city, and certificates of indebtedness for improvements given by the city, and interest on the same, and moneys paid into the city treasury for the redemption of property sold for taxes and assessments; and no warrant shall be drawn on the Treasurer by said officers, except in pursance of an order of the Council, passed at a stated meeting of the Board, and entered in their minutes; all such warrants shall be numbered and made payable to the order of the person or persons entitled to receive the same, and shall

*The law of 1882 provide that a vacancy shall exist whenever an officer shall remove from the municipality and no longer reside therein, but excepts from its provisions a corporation counsel, who may reside elsewhere

The laws of 1861 provide that any officer, except the Mayor, be removed by resolution of the Council upon proper hearing and a two-thirds vote,

specify for what purpose the amount therein mentioned is directed to be paid; it shall be the duty of the Clerk, before he delivers any warrant so drawn, to enter in the margin of a book, to be provided for the purpose, to be called "the warrant book," opposite to said warrant, the number, date, and amount of the same, the date of the order or resolution authorizing it to be drawn, the purpose for which it was ordered, and the name of the person or persons to whose order the same is made payable, and to take his or their receipt in said book, at the end of said marginal entry, for the said warrant.*

DUTIES OF CITY CLERK.

20. *And be it enacted*, That the City Clerk shall, in addition to the duties in this act required of him, have charge of all the records, books, papers, and documents of the city, except when the Council shall, by ordinance otherwise direct, countersign all licenses signed by the Mayor, and keep the record of the proceedings of the Council; he shall engross all the ordinances of the Council in a book, to be provided for that purpose, with proper indexes, which book shall be deemed a public record of such ordinances, and each ordinance shall be signed in the book by the Mayor, or Acting Mayor, and said Clerk; copies of all papers duly filed in this office, and transcripts thereof, and of the records and proceedings of the Council, and copies of the laws and ordinances of the said city, certified by him under the corporate seal, shall be evidence in all courts and places; he shall also receive and pay over to the Treasurer all moneys which, by any law or usage, are paid to the Clerk of the city.†

*By act of 1885 the Council may authorize the City Treasurer to appoint an assistant at a salary not to exceed $1,200 per annum; but the City Treasurer is liable for the acts of his assistant so appointed. Laws of 1885.

†The City Clerk is likewise clerk of the Board of Police Commissioners.

OVERSEER OF THE POOR AND SUPERINTENDENT OF SCHOOLS.

21. *And be it enacted*, That the Overseer of the Poor and Superintendent of Schools shall respectively perform such duties as by the laws of this State now appertain to and devolve upon the Overseers of the Poor and Superintendents of Schools in the several townships of this State, except as changed by this act, or any ordinance passed by virtue thereof, and shall, in addition thereto, perform such other duties, and receive such compensation as the Council shall by ordinance direct and award.*

COMMISSIONERS OF APPEAL.

22. *And be it enacted*, That the Commissioners of Appeal shall have the same powers and perform the same duties, and be entitled to like compensation, that Commissioners of Appeals in the several townships of this State now have or hereafter may have; and, in addition, they shall have the power to examine the person or persons appealing in cases of taxation, under oath, to the valuation or amount of the chattels assessed against them respectively; and it shall be the duty of the said Commissioners to receive the oath of any person appealing when offered by him relative thereto.†

MEMBER OF COUNCIL MAY ARREST OFFENDERS.

23. *And be it enacted*, That every member of the Council shall have the power, and it shall be his duty,

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*The office of Superintendent of Schools was abolished by laws of 1865.

†The Commissioners of Appeal, by act of 1873, receive $40 for services. See page 173, section 10.

The Assessor must cause public notice to be given of the time of sitting of the Commissioners to hear appeals. See page 173, section 11.

On proper affidavit they shall reduce the assessment to the sum sworn to. See page 54, section 1.

The Commissioners must convene on the first Monday in August, and their powers as a Board cease on the third Monday of August. See page 105.

For refusal to serve they may be fined $100. See page 105.

without warrant, to arrest, or cause to be arrested, any person engaged in his presence in disturbing the public peace or violating any law of the State or ordinance of the city for the preservation of good order and morality, and to bring, or cause such person to be brought, before any Justice of the Peace, or some other magistrate, to be dealt with according to law.

OFFICIAL TERMS OF OFFICERS.

24. *And be it enacted*, That the official term of the several persons who shall be elected in pursuance of this act shall commence on the first Monday of May next after their election, and they shall continue in office until the end of their term, unless removed, as herein provided; and no appointments for the full term shall be made more than one week prior to the commencement of the said term.*

OFFICERS TO GIVE BOND.

25. *And be it enacted*, That the City Treasurer, City Clerk, Collector of Taxes and Collector of Arrears of Taxes, and such other officers as the Council may require, shall, before they enter on the duties of their office, give bonds to the city, in its corporate name, in such sums and with such freehold securities as the Council may approve, for the faithful performance of their duties; and all constables shall give bonds to the city, in the manner required by law, with freehold sureties, to be approved of by the Council.†

ELECTIONS FOR JUSTICES OF THE PEACE.

26. *And be it enacted*, That for the election of Justices of the Peace, each ward shall be considered

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*The laws of 1881 provide that all officers holding for a fixed term shall continue to hold office until their successors have been appointed and qualified. This act has been construed by the Supreme Court and applies to Hoboken. See page ——

†The official bonds should be recorded in the office of the County Clerk, having been first duly acknowledged. The record of such bond will ever a te- be evidence in the event of the loss of the original bond. See page ——.

as a township, and, until the census, each ward shall be entitled to one Justice only.

FINES.

27. *And be it enacted*, That all fines inflicted by ordinances shall, when received, be paid into the city treasury.

LEGISLATIVE POWERS

28. *And be it enacted*, That the legislative powers of said corporation shall be vested in a Mayor and Board of Councilmen.

BOARD OF COUNCILMEN.

29. *And be it enacted*, That the Board of Councilmen shall consist of the Councilmen elected from each ward; and each Councilman shall, at the time of his election, be an elector of the ward in which he is chosen, and shall have been a resident of the city for at least two years immediately previous thereto, and shall have attained the age of twenty-five years.

COUNCILMEN TO BE DIVIDED INTO CLASSES.

30. *And be it enacted*, That the Board of Councilmen first elected under and by virtue of this act shall, at their first meeting after their election, divide the Councilmen of each ward, by lot, into two equal classes, one of which shall go out of office at the expiration of the first year, and the other at the expiration of the second year; and that, on the second Tuesday of April, of the year one thousand eight hundred and fifty-six, and every year thereafter, the said wards shall, respectively, elect one person as Councilman of said ward, who shall hold such office for two years; and in case of death or disability of any Councilman, a person shall be duly elected to fill the unexpired term.

VACANCIES IN COUNCIL.

31. *And be it enacted*, That in case any Council-

man shall, after his election or during his term of office, remove out of the ward in which he shall have been elected, his office shall be deemed vacant, and he shall no longer act as Councilman; any Councilman may also resign his office at any time by filing written notice thereof with the City Clerk; and the Council shall have the power to direct a special election to supply any vacancy that may occur, but such person so elected shall hold his office only for the residue of the term so vacated.

QUORUM.

32. *And be it enacted*, That a majority of the Council shall constitute a quorum for the transaction of business, but a smaller number may adjourn from day to day, and compel the attendance of absent members.

CHAIRMAN OF COUNCIL.

33. *And be it enacted*, That the Council shall annually elect a Chairman from its own body, and in his absence a Chairman for the time being, choose officers, appoint its time of meeting, be the sole judge of the qualifications of its members, determine the rule of its own proceedings, and keep a journal thereof.

ORDINANCE TO BE SIGNED BY MAYOR.

34. *And be it enacted*, That every ordinance of the Council, and every resolution of the Council affecting the interest of the city, shall, before it takes effect, be presented, duly certified, to the Mayor; if he approve it, he shall sign it; if not, he shall return it with his objections, and file the same with the Clerk within ten days after he received it; and the said Board shall, at its first regular meeting thereafter, order the objections to be entered at large on its journal, after which it shall proceed to reconsider the same, and if two-thirds of the members elected shall

then pass the same, it shall take effect as a law, but in every such case the vote shall be taken by ayes and nays, and entered on the journal; and if such ordinance or resolution shall not be so returned by the Mayor within ten days after he has received it, it shall become a law, in like manner as if he had signed it; *provided always*, that each and every ordinance, so passed as aforesaid, shall be published for the space of twenty days in at least one newspaper published or circulated in said city or county, before said ordinance shall go into effect; *provided, also*, that no ordinance or by-law shall be enacted or passed by the said Council unless the same shall have been introduced before the said Council at a previous stated meeting, and shall have been agreed to by at least five members of the Council.*

ANNUAL STATEMENT TO BE PUBLISHED.

35. *And be it enacted*, That the Council shall, at least once a year, not more than thirty, nor less than twenty days before the annual city election, publish, in such of the newspapers printed in the city or county as they shall designate, a full statement of all the receipts and expenditures, of every description, for the fiscal year preceding such statement, including all the moneys which have passed through the hands of the Treasurer, for any purpose whatever, together with the different sources of city revenue, the amount received under each, the several appro-

*In 1873 the number of Councilmen from each ward was increased to three, and they were deprived of compensation. See page 85.

But in 1875 an act was passed making the number two instead of three. See page 203.

And in 1872 their compensation was made $400 annually. See page 146.

The supplement of 1879 enables the Council "to compel the attendance of absent members." See page 54.

The veto power of the Mayor has been held by the Supreme Court not to extend to resolutions of the Council appointing city officers.

Section 34, above, was amended by act of 1863, requiring five members instead of four to pass an ordinance. See page 86.

priations made by the Council, the objects for which the same were made, and the sums expended for each; also, any moneys borrowed upon the credit of the city, whether by temporary loans or by the issue of bonds, the terms upon which they were obtained, the authority under which they were borrowed, and purposes to which they were applied, and how much of the same, or other city indebtedness, has been repaid, and by what means; the statements shall also include a detailed account of the city property, existing debts of every description, and the condition of the sinking fund, with all such other information as may be necessary for a full understanding of the financial concerns of the city.*

MEETINGS OF COUNCIL.

36. *And be it enacted*, That the Council shall hold stated meetings, at least once in each month, at such time and place as they may appoint; but the Mayor, or, in his absence, any two Councilman may call special meetings, by notice to each of the members of said Council, served personally or left at his usual place of abode.

RESIGNATIONS.

37. *And be it enacted*, That the resignation of any office held under the Council by the provisions of this act may be made to the Council, and the Council may fill such vacancy for the remainder of the current civil year.

REMOVAL FROM OFFICE.

38. *And be it enacted*, That the Council, for cause, may remove any person appointed by them under the provisions of this act by a vote of two-thirds of the members of said Council; and the cause therefor, together with the ayes and nays upon the vote taken,

*The law now requires this statement to be published annually in pamphlet form. Laws of 1873. See page 158.

shall be entered at large upon the journal of the Council.*

MEMBERS OF COUNCIL NOT TO HOLD OFFICE WHEN EMOLUMENTS ARE PAID FROM CITY TREASURY.

39. *And be it enacted*, That no member of the Council shall, during the period for which he was elected, be appointed to or competent to hold any office, the emoluments of which are paid from the city treasury, or be directly or indirectly interested in any work or business, or in the sale of any article, the expense, price, or consideration of which is paid from said city treasury, or by any assessment levied by any act or ordinance of said Council; nor shall any such member be directly or indirectly interested in the purchase of any real estate or other property belonging to the corporation, or which shall be sold for taxes or assessments, or become security for any officer appointed by said Council, or for any contractor under the city government, under the penalty of five hundred dollars for each offence, to be recoverable by suit in the name of the City Clerk; and the said amount, when received, to be paid in the city treasury.

THE POWERS OF THE COUNCIL—ORDINANCES.

40. *And be it enacted*, That the said Council shall have power to pass, alter, and repeal ordinances, to take effect within said city, for the following purposes:

PUBLIC BUILDINGS.

First—To manage, regulate, control and protect the finances and property of the city, and for the build-

*The above section is qualified by act of 1861, which requires that the accused officer shall have an opportunity to be heard in his defence, &c. See page 65.

In 1885 the policemens' and firemens' tenure of office acts were passed, to prevent the removal of such officers for political reasons, or for any cause other than incapacity, mis onduct, non-residence or disobedience of just rules and regulations, and then only after a proper opportunity to be heard. Laws of 1885, page 130.

ing, erecting, and maintaining school houses and a city prison, and such other buildings as may be necessary for the objects of this charter.

POLICE.

Second—To establish, regulate, and control a day and night police, and to regulate and define the manner of their appointment and removal, their duties and their compensation.*

FIRE DEPARTMENT.

Third—To control and regulate the fire department of the city, subject to the provisions of "An act to incorporate the fire department of the township of Hoboken," approved March fifteenth, eighteen hundred and fifty-four, except so much of said act as shall conflict with the provisions of this act, which parts be and are hereby repealed; to make such reasonable regulations as to the manner of building dwellings houses and other buildings, the manufacture and keeping of gun powder, fire works and other dangerous combustible articles, and to prevent, within certain limits, to be from time to time prescribed by ordinance, the erection of wooden buildings.

LAMPS.

Fourth—To provide lamps, gas posts, and gas, to light the streets, docks, piers, wharves, public squares and public buildings of said city.†

WELLS AND PUMPS—PROVISOS.

Fifth—To control and regulate all the wells and pumps in the public streets and squares, and to make all necessary arrangements for a full and copious

*The government of the police by act of 1870 was transferred to the Board of Police Commissioners, and the power of the Council, ex ept over the poli e appropriation, has ceased. See page 129.

†The law of 1884 empower the Council to authorize the erection of poles for the purpose of lighting the streets and public places with electricity.

supply of good and wholesome water for public and private use; to make ordinances for the distribution of the same, and to impose assessments for the use thereof, which assessment shall be binding upon improved and unimproved lots so assessed, and may be collected in the same manner as prescribed in this act for the collection of assessments for grading, paving, curbing, flagging and laying out of public streets, squares and alleys; *provided*, that no arrangement shall be made with any parties which will involve an expense to the city of more than one dollar per annum, per capita, for every actual resident in the city; a census, to determine the number of residents, shall be taken between the tenth and twentieth days of December, in each year, by two persons to be appointed, one by the Council and one by the contractor; *and provided*, that when the annual payments to the contractor shall amount to twenty thousand dollars per annum, then the increased payments shall cease, and the contractor shall continue the supply of water at the rate of twenty thousand dollars per annum, but either party may have the privilege of ending the contract by giving three years' notice to that effect; *and provided*, that the water rates shall in no case exceed the water rates now charged in New York or Jersey City; *and provided also*, that nothing herein contained shall be so construed as to authorize the issue of bonds or other evidences of debt by the city for such purposes; and in case no arrangement shall be made with any company or person to furnish a sufficient supply of water for public and private purposes, as above specified, within one year after this charter shall go into operation, then that a two-thirds vote of the inhabitants of Hoboken (being legal voters) at their succeeding charter election, may authorize the Council to construct proper water works, and to borrow money, in such manner

as they may direct, for the construction of such works.*

GRADING, PAVING AND REGULATING STREETS—PROVISOS.

Sixth—To make, lay out, and improve all public streets, alleys, squares, and grounds, and to establish such as have been already laid out; and to regulate and govern the levelling, pitching. and constructing of the streets and alleys and the raising and levelling of streets and alleys and of all lots and grounds for building, as well public as private, except those already established; to establish the boundaries of all streets and public alleys, and to prevent and remove all encroachments, encumbrances, and nuisances in or upon the same; to pave, gravel, curb, and gutter the streets; to flag, or pave with brick, the sidewalks, to repair the sidewalks, or any of them, or any part thereof; to reset the curb and gutters in the streets; to compel the occupiers and owners of improved lots to curb and flag, or pave witb brick, the sidewalks opposite their lots, except those already flagged or paved, and to compel the owners of vacant lots to curb and flag, or pave with brick, not less than three feet wide, the sidewalks opposite said lots, and to keep the same and the gutters swept and clean, and clear the snow and ice and other impediments; to prevent horses, cattle, swine, goats and geese, and other animals (act of 1829), from running at large in the streets, and to provide for the impounding and sale of the same, and the destruction of diseased quadrupeds; to prevent immoderate driving in the streets and riding or driving over or upon the side-

*While it is still within the power of the Council to control wells and pumps, the general power over the water supply of the city is vested by act of 1857 and its supplements in a Board of Water Commissioners. The Supreme Court has, in effect, held that the creation of the Board did not repeal the power of the Mayor and Council to contract for water independently of that Board. There are various general enactments concerning water which will be found hereafter.

walks, and to regulate the speed and running of locomotive engines and railroad cars through said city; to construct and build sewers and drains in and from the public streets and squares, and such alleyways as may be dedicated for draining purposes; *provided*, the owners of two-thirds of the property upon such streets or alleys shall petition, in writing, to said Council to have such sewers or drains constructed; *and provided*, the owners of two-thirds of all property of said city shall petition, in writing, to said Council to have such public squares sewered or drained, the Clerk of said city to keep on file said petitions, for the inspection of all persons interested, to regulate the building of vaults and the laying of water or gas pipes in or under the streets, and, in every other respect, to secure to the public and the adjoining owners the safe and convenient use of the streets and sidewalks, squares and public grounds, for the purpose for which they are or may be laid out and dedicated, (in all that part of said city lying south of the following described boundaries, to wit: Commencing at a point in the centre of the Hudson river due east from the stone wall of Edwin A. Stevens, where it strikes the wall leading to the Sybil's cave, and running west to said wall; thence westerly, along said wall, to the easterly line of Hudson street; thence northerly, along the easterly line of Hudson street, to the northerly line of Seventh street; and thence westerly, along the northerly line of Seventh street, to the western boundary of said city.)*

DOCKS AND WHARVES.

Seventh—To regulate and order the building of a dock at the foot of Third street, in said city, at the expense of said city, such dock not to exceed in width

*The latter portion of the above sub-division, commencing with the words "In all that part," was repealed by act of 1859. See page 56.

the width of said street and to regulate said dock and the use thereof, when built, and the rates of wharfage, such wharfage to be received by said corporation for their use and benefit, and to make such regulations touching the same, not inconsistent with the laws of this State and the United States, as to them may appear proper and necessary; but nothing herein contained shall be so construed as to give the corporate authorities any right or privilege as shore owners, nor to deprive the shore owners of any right as shore owners, nor any right to permit or establish a ferry, nor any privilege as riparian owners; and further, that it shall be lawful for the shore owners to fill out or extend the shore along the line of the dock herein provided to be built at any time when they may so elect; but that, in case of any such extension or filling out, they shall, at their own cost, build and extend said dock as many feet beyond the then extreme end of said dock as they shall fill in from the shore, said extension to be made of the same width, and equal in every respect to the dock then in use.*

NUISIANCES.

Eighth—To declare, by general law, what shall be considered nuisances in lots, streets, docks, wharves, and piers, and to direct, provide for, and to enforce their removal, and to provide for the sale or other disposition of all encumbrances on the streets, sidewalks, docks, wharves and piers.†

HEALTH LAWS.

Ninth—To provide health laws, and to enact all such ordinances as they may deem necessary to protect the health of the city, (and to raise by bonds or

*This section merely authorizes the purchase or condemnation of lands at Third street for dock purposes. It conveys nothing except the mere power to purchase.

†Provision has been made by general legislation for the abatement of all nuisances contiguous to cities. For such enactments see page 380.

direct taxation, as may be deemed for the best interests of the city, the necessary bonds therefor.) Supplement of 1867.*

INNS AND TAVERNS.

Tenth—The original clause was stricken out and the following substituted by act of 1829: To license and regulate inns or taverns and other houses of public entertainment for the sale of, or traffic in, spirituous, vinous, fermented or other intoxicating drink or drinks, and to prohibit, by fine or penalty, all traffic in, or sale of such spirituous, vinous, or other intoxicating drink or drinks by all or any person or persons not having a license from said Council for that purpose; and to license, regulate and prohibit hawkers, peddlers, hucksters, butchers, slaughter houses and markets on such terms, and under such regulations and penalties as the Council may, by ordinance, impose; and no other license granted for such purposes within said city, by any other authority, shall be lawful, except licenses granted by the

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*The City Physician is made Health Warden of the city by act of 1871. See page 136, section 11.

The County Board of Health is empowered to act in all cases detrimental to life or health. See page 389

The Supreme Court has held that the county board and the local board may act independently of each other, and the board having first assumed jurisdiction of a case may prosecute it without interference from the other In the event of an epidemic, or a wide-spread contagious disease, the Council may appropriate money to meet the contingency. Laws of 1883.

No ice shall be cut in the city from any pond or creek without a permit from the Health Warden, and the latter officer may prohibit the sale of ice.

The Council may provide for the maintenance of a hospital for the treatment of indigent sick and disabled. Laws of 1883, 1884 and 1885.

Where the city has no hospital of its own, the Council may include in the tax levy of each year a sum not to exceed $1,500 to assist in maintaining such indigent patients as may be sent by the City Physician or Overseer of the Poor to any hospital supported by private charity and located in the city. Laws of 1886, page 97.

The Council may "locate, regulate and remove" slaughter houses and petroleum refineries. Act of 1866. See page 104.

Prevent the slaughter of animals or the existence of slaughter houses within the city, and prevent the flowing of offensive matter from slaughter houses. Acts of 1868 See page 115.

Governor of this State to hawkers and peddlers.*

CARMEN AND HACK DRIVERS.

Eleventh—To license carmen, hack drivers, omnibus drivers and porters, and to prohibit all persons, not licensed, from following the employment of a carman, hack driver, omnibus driver, or porter, in said city.†

KEEPER OF CITY PRISON, &c.

Twelfth To provide that the said Councilmen, or a majority of them, in council assembled, by not less than four concurring votes, shall and may, from time to time, elect and appoint a keeper of the city prison, a weighmaster, an inspector of lumber, firewood, coal and other fuel, and to define and prescribe their powers and duties, which officers so appointed shall continue in office until others shall be appointed to succeed them and be sworn into office.

GAMING HOUSES, &c.

Thirteenth—To prevent and suppress gaming houses and to prohibit gaming, and to restrain and punish all mendicants, vagrants, street beggars and common prostitutes.

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*The license fee is now fixed by act of 1889 at the minimum figure of $250. It may be made higher but cannot be reduced. The licensing of inns and taverns has been the subject of extensive and varied legislation of a diverse character, with a view to compelling localities to regulate the license fees at a fixed minimum figure, and enabling counties to prohibit the sale of liquor by the adoption of local option laws.

The above section of the charter was amended by act of 1829, enabling the Council to license inns, taverns "and other house of public entertainment" for the sale of intoxicating drink, and to impose fines and penalties on persons selling without a license. See page 55.

There are various enactments enabling cities to license the following: Auctions and auctioneers; act of 1882, page 35. The erection of bill-boards; act of 1882, page 24. Bill-posters; act of 1882, page 43 Cartmen, hacks, porters, cars, omnibuses, milk wagons, stages, pawnbrokers, junk-shop keepers, bath houses, boarding houses, news stands, sweeps, scavengers, traveling shows, circuses, theatrical performances, plays, exhibitions, concerts, and skating rinks. Act of 1885, page 317.

†Amended by act of 1829 to include "hacks omnibuses and stage coaches, and to prevent, by fine or imprisonment, all hacks, omnibuses and stage coaches from running or being run within or through said city without such license." (Page 55)

RIOTS.

Fourteenth—To suppress riots, disorderly and tumultuous assemblies, and to suppress vice and immorality.

VIOLATION OF ORDINANCES.

Fifteenth—To punish by fines or imprisonment in the city prison all violations of any ordinance authorized by this act, and to provide all means which they may judge necessary to carry into effect the objects and powers provided for by this act; and no fine shall exceed fifty dollars, or imprisonment ten days.

INTERMENTS, &c.

Sixteenth—To regulate or prohibit interments within the city, and bathing in the adjacent waters, and the exhibition of shows, caravans, circuses or other like matters, and the firing of guns, fire crackers, or other fireworks in said city.

DOGS.

Seventeenth—To restrain all dogs from running at large, and to authorize their destruction.*

COUNCIL MAY BORROW MONEY—PROVISOS.

41. *And be it enacted*, That it shall be lawful for the said Council to borrow money, from time to time; *provided*, that the Board shall be so empowered by the people at any annual charter election, who shall determine, by a majority vote, the amounts and the general purposes for which any sum may be so borrowed, when in such case it may be lawful for the Board of Council to secure the payment thereof, by the issue of bonds, or other instrument, under the common seal and the signature of the Mayor, and to provide by tax for the payment thereof; *and provided*,

*Amended by laws of 1829 to authorize the imposition of a tax on dogs. See page 55.

Laws of 1889, chapter 65, authorizes the Council to appoint one or more persons to kill dogs running at large without a muzzle, and fix the compensation of the persons so appointed.

there shall not be a greater sum than five thousand dollars raised by loan in any one year, unless the people, by a two-thirds vote at any charter election, otherwise direct; *and provided, also*, the said city shall not owe more than ten thousand dollars at any one time, except as provided in Title IV., section 5, of this act.*

YEAS AND NAYS TO BE RECORDED.

42. *And be it enacted*, That on the adoption of every ordinance passed by said Council, either for the appropriation of moneys, laying of assessment, taxes or paving and grading of streets, or for appointments or municipal regulations, the yeas and nays shall be taken, and recorded in full upon the minutes of said Council by the City Clerk.

TAXES AUTHORIZED TO BE RAISED—MANNER OF ASSESSING AND COLLECTING TAX.

43. *And be it enacted*, That the people shall have power, at their annual charter election, by a majority of votes, to raise by tax from year to year, for public purposes, any sum or sums of money not exceeding in the aggregate the amount hereinafter prescribed; and the Council shall appropriate, as directed by the people (at such charter election), all such moneys as have been so directed to be raised, for the purposes of lighting the streets, supporting a night watch, supplying the city with water to extinguish fires, for repairing the streets, for improving the public grounds, maintaining the poor, supporting and maintaining public schools, erecting and maintaining market houses, school houses, a city prison, for contingent expenses, and all other purposes authorized by this charter; and that the expenditure of such moneys shall be confined to the objects for which they were

*This section was repealed by laws of 1871, providing for a Board of Tax Commissioners, "who shall fix the amounts of money to be raised by taxation for the current year. See page 140.

directed, and be appropriated to no other; and the tax for such purposes shall not exceed, in any one year, three mils on a dollar of the actual and true value of the property assessed; all taxes for city purposes shall be assessed by the three assessors, acting together, within the time directed by the laws of this State for assessing township, county and State taxes, in the manner following: They shall assess a poll tax on every white male resident over the age of twenty-one years, who is not a pauper, not less than fifty cents, no more than one dollar, which shall be a school tax, and shall be paid to the Superintendent of Public Schools for the support of public schools; they shall also assess real estate and chattels situate in the city, both of residents and non-residents, except such real estate and chattels belonging to religious corporations or churches, or used or occupied by or for public schools or academies, as is by law exempt from taxation by the assessors of townships, and also the real estate and chattels belonging to the Mayor and Council of said city, in their corporate capacity, by valuing the same at its true, full, fair value, designating the number of lots or parcels of land, and the value of personal chattels which they assess to each person; and every person owning or having in his charge any lands or chattels in said city shall, on application of said assessors, or either of them, disclose and specify the quantity and situation of such lands, and the amount, nature and value of such chattels; and if any person refuse to answer or give such information, when required, the said assessors shall value his real estate and chattels at double the amount which they may believe the same to be worth, and such person shall have no relief therefrom before the Commissioners of Appeal, except for so much as exceeds the double value of his estate; and the residue of such city tax, after deducting the amount raised by

the poll tax, shall be assessed and raised by such per centum on the whole valuation of such real estate and chattels as is required to make such residue; and all taxes so assessed for city purposes shall be collected by the collector, in the same manner as he is by law directed to collect township, county and state taxes, and shall be paid over by him to the City Treasurer, except such moneys as may have been collected for public school purposes, which shall be paid over to the Superintendent of Public Schools as soon as collected, and before the thirtieth day of December in each year.*

EXPENSES OF COLLECTION.

44. *And be it enacted*, That the several assessors shall, in addition to the whole amount of taxes authorized to be laid, assess, to cover losses and expenses, such sum or sums as will cover their own and the collectors' fees, as allowed by law, and five per cent. additional upon the whole sum to be raised, to be applied to the supply of any deficiency by reason of losses of taxes not collectable, and to defray the necessary expenses of collection; the surplus, if any, shall be applied to such purposes as the Council may direct.†

COLLECTOR TO MAKE RETURN OF DELINQUENT TAX-PAYERS—PROVISO.

45. *And be it enacted*, That the Collector of the said city, in case of the non-payment of taxes on or before the twentieth day of December, in each year, shall make out a list of the names of the delinquents,

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*The appropriation of taxes is no longer made by the people direct, but by the Board of Tax Commissioners.

The act of 1866 increased the maximum rate to be eight mills on the dollar, instead of three mills.

It would seem from the above section that the colored citizen is exempt from poll tax, as it will be observed that the assessment shall be made only on "every white male resident."

†By act of 1867 this additional assessment was extended to fifteen per centum instead of five per cent. See page 110.

with the sums due from them, respectively, thereto annexed, and deliver the same to the Clerk of the said city on the thirtieth day of December, in every year, except when the said day shall be Sunday, and then on the next day following; and it shall be the duty of such Clerk to lay the same before the Council, at a meeting thereof held next after the same shall be delivered to him, and thereupon the said Council shall deliver the same to the Collector of Arrears of Taxes, who shall proceed and issue a tax warrant thereon, as provided by law in case of taxes in townships, who shall have power to collect the same, in like manner, in all things, as the constables in townships are directed by law; *provided*, such Collector shall, before he delivers such list to the said Clerk, take and subscribe an oath or affirmation, before some Justice of the Peace of said city, that the moneys in said list mentioned have been duly demanded, or due notice thereof given at the usual place of residence of each delinquent who could be found or may then reside in the said city.*

INTEREST TO BE CHARGED ON UNPAID TAXES.

46. *And be it enacted*, That whenever, within the said city, any tax shall remain unpaid after the twentieth day of December, in every year, it shall be lawful for the Collector of Arrears of Taxes to charge, receive, and collect, in addition to the amount of said tax, interest thereon, to be computed at the rate of twelve per centum per annum, from the twentieth day of December, in each year, until the same is paid; and such interest shall be paid over by the said Collector of Arrears of Taxes to the Treasurer of said

*The latter portion of the above section refers exclusively to the collection of personal taxes. Taxes against the real estate are recoverable by a sale of the land upon the tax lien (see section 48); but personal taxes are recoverable only by the arrest and imprisonment of the delinquent. The procedure in such cases is governed by the general acts governing townships.

city, in like manner and at the same time as he may be required to pay over to said Treasurer all taxes by him collected, except such as have been collected for public school purposes, which shall be paid over to the Superintendent of Public School.*

COLLECTOR MAY DEDUCT INTEREST IN CERTAIN CASES—PROVISO.

47. *And be it enacted*, That if any person or persons from whom any tax shall hereafter be due and payable to the said city for State, county or city purposes, shall pay the same or any part thereof, to the Collector of the said city before the time appointed by law for the said Collector to return a list of delinquent tax-payers, it shall be lawful for the said Collector to allow and deduct from the amount of said tax so paid interest thereon, to be computed at the rate of seven per centum per annum, from the time when the said tax shall be received by the said Collector until the time appointed by law to make such return of the list of delinquents aforesaid; *provided*, that nothing herein contained shall be so construed as to exempt the said Council, or the Treasurer of said city, from paying over to the Treasurer of this State, or the Collector of Hudson County, the full quota of taxes required by law to be raised in said city for State and county purposes.

REAL ESTATE MAY BE SOLD FOR PAYMENT OF TAXES—PROVISOS.

48. *And be it enacted*, That all taxes and assessments which shall hereafter be assessed or made upon any lands, tenements or real estate situate in said city, shall be and remain a lien thereon until paid, notwithstanding any devise, descent, alienation, mortgage or other encumbrance thereof; and that if the full amount of any such tax or assessment shall not be paid and satisfied within the time limited for the

*By act of 1888 the Council has power, by ordinance, to change the time for the payment of taxes to any time more suitable to the people. Page 371.

payment thereof, it shall and may be lawful for the Council to cause such lands, tenements or real estate to be sold at auction for the shortest term for which any person will agree to take the same, and pay such tax or assessment, or the balance thereof remaining unpaid, with the interest thereon, and all costs, charges and expenses, and to execute, under the common seal of the said city a declaration of such sale, to be signed by the Mayor and City Clerk, and to deliver the same to the purchaser; and such purchaser, his executors, administrators or assigns shall, by virtue thereof, lawfully hold and enjoy the said lands, tenements or real estate for his and their own proper use against the owner or owners thereof, and all persons claiming under him or them, until his said term shall be completed and ended; *provided*, that the said Council shall first have caused such sale to be advertised for at least sixty days in at least one public newspaper printed and published in said city, and if no newspaper shall be printed and published in the said city, then in at least one public newspaper generally circulated in the said city, and also by advertisements put up in at least five public places in the said city, which advertisements shall describe the said lands, tenements or real estate, and specify the amount of the assessment or tax, and the recitals in such declaration of sale shall be evidence of the assessment, advertising and sale; *and provided, also*, that the lands, tenements or real estate so sold may be redeemed by the owner, mortgagee, occupant or person interested therein, or by any other person for and on behalf of the owner, mortgagee or claimant of such lands, tenements, or real estate at any time within two years after the sale for either taxes or assessments, or for both, by paying to the Treasurer of the city, for the use of said purchaser, the purchase money, together with any other sum paid for tax or assessment which the said

purchaser may have paid, chargeable on said lands, tenements or real estate, and which he is hereby authorized to do, with interest thereon at the rate of fifteen per centum per annum in addition thereto; and the certificate of the Treasurer of the city, stating the payment, and showing what lands, tenements or real estate such payment is intended to redeem, shall be evidence of such redemption; the mortgagee shall have power to redeem, at any time, until after the expiration of the six months' notice herein specified; no mortgagee, whose mortgage shall have been duly recorded before sale for any tax or assessment shall be effected by such sale, unless six months' notice in writing shall have been given to him by the purchaser, or those claiming under him, either personally, or if not to be found in the city, then such notice shall be deposited in the postoffice of said city, directed to him at his last known place of residence (or at the postoffice nearest thereto), but nothing herein contained shall be so construed so as to impair the lien created by such tax, assessment or sale; within a month after the service of such notice by the purchaser, or by those claiming under him, it shall be the duty of the person serving, or causing the same to be served, to file in the City Clerk's office a copy of the notice served, together with the affidavit of some person, who shall be certified by the officer before whom said affidavit shall be taken to be a credible person, proving the due service of said notice, which affidavit shall be evidence in all courts of the facts therein contained; *and provided, also*, that the said term of time for which any land, tenement or real estate so sold, as aforesaid, shall not commence, nor shall said purchaser, or those claiming under him, have a right of possession to said land, tenement or real estate until the two years limited for the redemption of the same shall have expired; and the

said purchaser, or those claiming under him, shall, at the expiration of said declaration of sale, quit and surrender the lands, tenements or real estate in as good state and condition as when he entered thereon, natural wear and accidents excepted; *provided also*, that the sale of such lands, tenements or real estate, or any portion of them, may be adjourned or postponed from time to time, or suspended, as the Council may direct; *and provided*, that if, at any sale of lands, tenements or real estate for assessment or taxes, the whole, or any part thereof, shall remain unsold for want of purchasers, then it shall and may be lawful for the said Council to adjourn the said sale, not less than thirty, nor more than sixty days; twenty days' notice, at least, shall be given, as aforesaid, of the said adjourned sale; and if, at said adjourned sale, there shall be no purchasers for said lands, tenements or real estate, or any part thereof, then it shall and may be lawful for the Treasurer of the city to purchase the said lands, tenements or real estate for the benefit of the city, subject to the same redemption as hereinbefore provided for; *provided, also*, that all moneys paid for the redemption of said lands, tenements or real estate, as aforesaid, together with such taxes and assessments paid by a mortgagee or judgment creditor, shall be a lien on said lands, tenements or real estate for the amount so paid, with interest at the rate of seven per centum per annum; and such lien shall have precedence of all other liens on said lands, tenements or real estate, and on foreclosure of any mortgage by such mortgagee redeeming, shall be directed to be made out of said lands, and, on sale of said lands under any such judgment, shall be paid out of the proceeds of sale; *provided, further*, that a complete record of all taxes and assessments shall be kept in the City Clerk's office, which record shall contain the time when such assessments and taxes

were laid, the time when they were paid, and, if the property has been sold therefor, the time of said sale and to whom sold, and if redeemed, when and by whom; it shall be the duty of the City Clerk to record in a book, to be called "records of sales," all declarations of sale, to give certificates of search in relation to liens to any person or persons applying for the same, and to cancel such declarations, when the property for which they were given shall be redeemed, on certificate of the Treasurer of such redemption, and to file said certificate in the Clerk's office; it shall be the duty of the Treasurer to make out two certificates for all property redeemed, one for the person redeeming and one to be filed in the City Clerk's office.*

NOTICE TO BE GIVEN OF TIME FOR REDEMPTION.

49. *And be it enacted*, That it shall be the duty of the Council to give notice of the expiration of the time limited for the redemption of all lands sold for assessments or taxes by virtue of this act, by advertisement as aforesaid, sixty days next preceding the expiration of the time so limited for redemption, specifying the property unredeemed, and the amount due thereon.†

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*Real estate may be sold in the same manner for the non-payment of an assessment for street improvements. Supplement of 1871. See page 137.

Also for non-payment of water rents. (See acts relating to Board of Water Commissioners.)

In addition to the penalty above expressed, the person redeeming shall pay "all costs, charges and expenses of advertising." Supplement of 1861. See page 69.

When lands have been bought in by the city, no further advertising is necessary for future arrears. Laws of 1879. See page 331.

The city has power to transfer its declaration of sale to any purchaser. Laws of 1879. See page 331.

The city may sell at auction its title to all lands bought in by it for non-payment of taxes and assssments. Laws of 1881, page 280; laws of 1877, page 249.

And also, its title to public dedicated lands, except streets and parks. Laws of 1881, page 367.

†The supplement of 1861 concludes the above section with this amendment: "And the owner, mortgagee or occupant, or person interested therein, or any other person for or on behalf of the owner, mortgagee or claimant, shall be

ASSESSMENT AND COLLECTION OF STATE AND COUNTY TAXES—PROVISO.

50. *And be it enacted*, That all State and county taxes shall be assessed by the assessors in like manner and upon the same property as city taxes are assessed, and they shall be collected by the Collector in like manner as city taxes are collected by him; and shall be paid over by him to the County Collector in like manner and under like penalties as township collectors are directed by law; *provided, however*, that the proportion or quota of tax to be levied and collected in said city for State and county purposes shall be adjusted and fixed, from year to year, upon the same basis or ratio as by the laws of this State is or may be adjusted and fixed for by the several townships in this State, for which purpose the assessors shall make a list of such persons and property as are by law liable to such taxes.

LAMPS, WATER AND POLICE DISTRICT.

51. *And be it enacted*, That the Council shall establish, by ordinance, certain limits in said city, to be called the lamp, water and police district, which district shall not extend north of the line designated in Title IV., section 6, of this act, nor northwest of the line of lands of the late John G. Coster, and shall appropriate such moneys as may be directed by a vote of the people, which shall be raised for the expenses of lighting the streets and supporting the police, and providing water, and such amount shall be assessed only on property lying within such lamp, water and police district; and the assessors shall assess such taxes separately from all other taxes, and shall assess them only on property within the lamp, water and police district.*

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required at the time he, she or they shall redeem the said property to pay all the costs, charges and expenses of advertising as aforesaid." See page 69.

The right of redemption is limited to two years from the time of sale. Charter.

*The above section, 51, was repealed. See supplement of 1829, page 54.

ASSESSMENTS FOR OPENING AND REPAIRING STREETS—PROVISO.

52. *And be it enacted*, That all expense for improvements in opening, grading, guttering, curbing, bridging and paving streets, and for flagging sidewalks, and for filling and refilling sidewalks, and for repairing and resetting flagging in or on the sidewalks, and for repairing and resetting curb and gutters, and bridge stone and bridging, and for building wells, pumps, cisterns, drains and sewers, shall be assessed upon and paid by the lands and real estate benefited by the same in proportion to the benefit received; all propositions for such improvements, except for opening streets and constructing sewers, shall be advertised by the Council in one of the city papers for twenty days before the same are adopted, and the parties interested shall, if they desire, have an opportunity of being heard thereon before the Council or their appropriate committee; *provided*, that for paving any street, or portion of a street, lying without the limits before described, the consent of the owners of a majority of the lots to be assessed therefor shall be first had and obtained; and the expenses of such improvements, when completed, shall be ascertained and assessed by three impartial commissioners not interested therein, who shall be appointed by the Council from the freeholders resident in the city, which commissioners shall examine into the whole matter, and shall determine and report, in writing, to the Council what real estate ought to be assessed for such improvement, and what proportion of such expenses shall be assessed to each separate parcel or lot of land, and shall accompany such report with a map containing each lot assessed, and the name of the owner or owners thereof, which report and map shall be filed in the office of the City Clerk, and be by him recorded in the assessment book; whereupon the said Clerk shall cause to be inserted

in at least one of the newspapers published in said city, for at least ten days, a notice of the filing of said report, and that the Council will meet at a time and place, to be specified in said notice, to consider said assessment, and receive and consider all objections thereto, which may be presented in writing; and if the Council shall confirm said assessment, it shall constitute a lien on the property assessed for the amount of such assessment.*

LANDS MAY BE TAKEN ON PAYMENT OF VALUE—PROVISO.

53. *And be it enacted*, That the Council shall have power to take any lands that they may judge necessary for the opening of Third street upon paying to the owner the fair value of the lands taken, and of the improvements thereon, and the damage done to any district, lot, or parcel, or tenement, by taking part of it for such purpose; *provided*, that the owners of property benefited thereby shall pay a just and equitable proportion of the expenses and costs of opening said street.

PAYMENT OF ASSESSMENT OF DAMAGES TO OWNERS.

54. *And be it enacted*, That upon completing the report of the commissioners assessing the value of lands taken, and the damage thereby, the City Treasurer shall tender and pay to the owner of said lands,

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*The amount of assessments for public improvements fronting city property should be included in the next annual tax levy, and assessed generally on real estate and not on goods or chattels. Supplement of 1865, section 14.

All excess above special benefits must be met by the city at large.

Laws of 1878, page 292, enables the Council to provide a sinking fund for the payment of this excess by a special tax assessed annually.

The laws of 1882, page 190, enable the Council to provide a capital fund for the improvement of streets and the construction of sewers to the amount of $25,000 (assuming that the population is fifty thousand.) The land benefited is to be assessed as in ordinary improvements, the object of this legislation being to enable cities to maintain proper streets without the petition or request of property owners directly affected. This act has been held constitutional by the Supreme Court and Court of Appeals.

An act passed in 1884 enables cities to make street improvements at the general expense whenever the Council May deem such course proper. Laws of 1884, page 341.

if resident in the city, the amount of such assessment due to him; but if such owner is not resident in the city, or upon due inquiry cannot be found therein, or is a lunatic or idiot, or an infant, or if, from any other lawful cause, he is incapacitated to receive the same, or if such owner will not accept the same, and sign a proper receipt therefor, when tendered, then the City Treasurer shall make affidavit of such facts, and file the same with the City Clerk; and the Council shall, after inquiry into the facts of the case, direct the amount of such assessment to be placed either in the city treasury or in some safe bank for the use of the person to whom the same may be due; and upon filing such receipt of the owner, or the passing of such resolution by the Council, the said lands shall be vested in the city, and the city officers may proceed with such improvements, and the said moneys, so deposited, shall be paid by the city to the person entitled thereto, on demand, without interest, except from such time as a demand may be made and payment refused.

COMMISSIONERS OF ASSESSMENTS TO TAKE OATH.

55. *And be it enacted*, That all commissioners of assessments, appointed by or under this act, shall, before they proceed to the duties of their appointment, subscribe and take an oath, before the Mayor or City Clerk, faithfully, honestly and impartially to perform the duties required of them, and shall receive such compensation for their services as the Council shall, by general ordinance, fix or ordain, such compensation not to exceed two dollars per day.*

*Prior to 1871 commissioners of assessment were appointed specially to pass upon each improvement made, but in that year a supplement was passed empowering the Mayor to nominate, subject to confirmation by the Council, a board of three commissioners, residents and freeholders in the city, which board shall have power to make all assessments for improvements, except in specified instances. Supplement of 1871, section 17, page 138.

The Council may confirm or refuse to confirm their assessment, and may

GRADING AND PAVING PUBLIC STREETS.

56. *And be it enacted*, That the Council shall have power to grade, pave and remove obstructions in all streets, public grounds and public squares that are or may become public streets, public grounds and public squares or highways by dedication or otherwise (south of the lines heretofore described.)†

EXPENSES—HOW PAID.

57. *And be it enacted*, That all work and materials for improvements, exceeding in cost one hundred dollars, shall be done or furnished by contract, and all contracts for doing work, or furnishing materials for the improvements provided for in this act, shall be advertised for twenty days previous in a city paper, and shall at all times be given to the lowest bidder, who will comply with all the requirements of the Council and will give ample freehold security for doing said work and furnishing said materials according to contract; and all bids shall be opened in public, and at a time previously noticed in the advertisement above mentioned.‡

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direct the commissioners to amend their report in a specified manner. Supplement of 1870, section 6, page 126.

The commissioners of assessments prior to 1888 had no power to assess for damages on any improvement. The Supreme Court so held; but in the year mentioned an act was passed enabling them to assess for damages as well as benefits on all improvements creating a change of grade Act of 1888, page 471.

The Commissioners are appointed for one, two and three years, and their salary is fixed by ordinance. Supplement of 1871, section 17

By a supplement to the above section, passed in 1861, any assessment unpaid for thirty days after confirmation by the Council, shall carry interest thereon at the rate of twelve per cent. per annum from the date of confirmation. See page 65.

The same supplement provides a method of procedure in cases where an assessment is taken to the SupremeCourt by writ of certiorari. Ibid.

†The words, "south of the lines heretofore described," were repealed. Supplement of 1859, section 11.

‡This section was amended by striking out the words "and shall at all times be given to the lowest bidder, who will comply with all the requirements of the Council, and will give ample freehold security for doing said work and furnishing said materials according to contract," and by adding the following provision, "but the Council shall be under no obligation to accept the lowest bid, and may reject all bids if they shall think proper, and in case of such rejection

CLAIMS AGAINST THE CITY TO BE AUDITED.

58 *And be it enacted*, That all claims and demands against the city shall be audited by the Council, upon days to be designated for the purpose, at least as often as once in three months; all claims must be presented in writing; they shall be numbered and filed by the Clerk, and a brief entry of the name of the claimant, number, nature and amount of the claim, made by the Clerk, in a book kept by him for the purpose, prepared with appropriate letters and columns, so that the entry shall serve as an alphabetical index to the claim; the book shall be provided with a column, in which shall be entered, after the claim, the date, when it is audited, and the amount, if any, allowed thereon; the claims shall be audited and amounts allowed paid without unreasonable delay; in case the Council shall disallow any claim, or allow but a part thereof, its decision shall be a bar to the claim disallowed, or the part not allowed, unless an action shall be commenced against the city thereon within six months from the time the same was audited.

NOTICE TO BE GIVEN OF AUDITING ACCOUNTS.

59. *And be it enacted*, That at least two weeks before Thursday, in the second week prior to the annual city election, the Council shall cause a notice to be published in one or more of the newspapers published in said city or county, and the publication to be continued for two weeks, that upon such Thursday it will meet for the purpose of auditing all claims and demands against the city which have not been audited; upon such Thursday the Council shall meet and

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the Council shall again advertise for proposa's and proceed in all things as if no proposals had been offered." Supplement of 1861, section 9.

The act of 1883 directs city surveyors to include in the advertisement for proposals the number of days allowed for the completion of an improvement. The wages of the inspector and the penalty specified in the contract are imposed on the contractor for a violation of the contract in that respect, and the city or its agents have no power or authority to release therefrom. Laws of 1883, page 27.

proceed to audit all claims against the city which have been or may then be presented, and to make provision for the payment of all such claims, and of all portions of claims, which it shall have allowed or may then allow.*

CLAIMS NOT TO BEAR INTEREST EXCEPT IN CERTAIN CASES.

60. *And be it enacted*, That no claim against the city, which has been presented to the Council to be audited, shall be withdrawn from the files; no claim or demand against the city which has not been audited or which has not been liquidated by theCouncil, shall bear interest, unless it shall have been presented to the Council to be audited previous to or at the annual auditing of claims provided for in this title; but the provisions of this title shall not apply to claims on bonds or certificates of indebtedness for improvements given by the city, or to moneys paid into the city treasury for redemption of property sold for taxes or assessments.

COSTS ON ACTION AGAINST THE CITY.

61. *And be it enacted*, That no costs shall be recovered against the city in any action brought against it for any unliquidated claim which has not been presented to the Council to be audited, nor shall costs be recovered against the city in any action upon any unliquidated claim which shall have been allowed in part by the Council, unless the recovery shall be for a greater sum than the amount allowed by the Council, with the interest thereon from the time it was allowed.

TAXES UNPAID WHEN ACT TAKES EFFECT.

62. *And be it enacted*, That all taxes and assessments made and due before this act shall take effect

*By act of 1889 no motion or resolution, involving the expenditure of money, shall be adopted by less than a majority of the whole Council Laws of 1889, page 132.

in the Township of Hoboken, and not then paid, shall be collected and received by the Mayor and Council of Hoboken in the name of the Collector of the Township of Hoboken; and the property liable to be sold therefor shall be sold as if this act had not been passed; and any duty in such collection and sale, imposed upon any officer under the township, shall be performed by the corresponding officer elected or appointed under this act.

COUNCIL TO FIX SALARIES OF OFFICERS.

63. *And be it enacted*, That the Council shall have power to fix the salary, pay, or compensation of all officers appointed by them by general ordinance; such salary or pay shall not exceed that of similar officers in Jersey City; and the salary or compensation of any officer, which has once been fixed, shall not be increased during the continuance of his term of office.*

FIRST CHARTER ELECTION.

64. *And be it enacted*, That the first charter election under this act shall take place on the second Tuesday in April next, and it shall be held by one judge, two inspectors of election, and one clerk in each ward; those entitled to act by the laws of the township shall hold the election in the first ward, and those for the second and third wards shall be appointed by the Town Committee; and said election

*This section was amended by act of 1861, as follows: "*And be it enacted*, That the Council shall have power to fix the salary, pay or compensation of all officers, both elected and appointed, except such as are provided for in this act, or the act to which this a supplement, by general ordinance, and the salary or compensation of any officer which has once been fixed shall not be increased during the continuance of his term in office; and that said Council shall have power and authority by general ordinance to appoint a Corporation Attorney, a City Physician, a Corporation Printer, a Poundkeeper, a Sergeant-at-Arms of the Council, and such subordinate and other officers and agents of said city not named in this act or the act to which this is a supplement, as they shall think necessary, either for the better ordering and governing said city or for the convenience, safety and advantage of commerce, and to define and prescribe their powers and duties, which officers so appointed shall continue in office until the first Monday in May after their election or appointment, or until others shall be appointed to succeed them, and be sworn into office."

shall be held at such place as before directed; and said Township Committee shall cause notice of the appointment of such officers, and such places for holding the polls, to be published and posted, for at least seven days before the day of election, in the several wards of said city; and the present Town Committee and three judges of election shall meet at the Town Hall on the morning of Thursday next after such election, at ten o'clock A. M., and be a board of canvassers of such election, and the clerk of election in each of said wards shall bring, in person, to such board of canvassers the statement of the votes given in his ward, as made and certified by the board of election in such ward; from such statements the said board of canvassers shall then and there make a statement of the whole number of votes cast for each person voted for in said election, and shall declare the person who shall have received the greatest number of votes for any office elected thereto; the said board of canvassers shall sign their names to said statement and declaration in duplicate, and shall forthwith publish such declaration in each of the public newspapers printed in said city, and shall deliver one copy of such statement and declaration to the Clerk of said city.

INHABITANTS NOT INCOMPETENT WITNESSES IN TRIALS WHERE CITY IS PARTY.

65. *And be it enacted*, That upon the trial of any issue or upon the judicial investigation of any fact, to which issue or investigation the Mayor and Council of Hoboken is a party, or in which it is interested, no person shall be deemed an incompetent judge, witness or juror by reason of his being an inhabitant, freeholder or freeman of the said city; and that if any person shall be sued or impleaded by reason of anything done by virtue of this act, it shall be lawful for such person to plead the general issue,

and give this act and special matter in evidence at the trial.

TERMS OF PRESENT OFFICERS, WHEN TO CEASE.

66. *And be it enacted*, That all the township officers of the township of Hoboken shall continue in office and have all the power and authority now vested in them by law, until the mayor and council first elected under this act shall be sworn into office and organized, from and after which time their authority shall cease and determine, except so far as shall be necessary to carry out the provisions of this act.

COMPENSATION OF OFFICERS.

67. *And be it enacted*, That the sums hereafter specified, and no other, shall be the pay or compensation to be received per annum by the persons filling the following offices for the time being, and shall remain the same until altered by the legislature of this state, the mayor shall receive the sum of two hundred and fifty dollars, the treasurer the sum of fifty dollars, the city clerk the sum of three hundred dollars; the collector shall receive the same fees as those paid to the township collectors in other townships of the state; the collector of arrears of taxes shall receive five per cent. upon all moneys received by him, which amount he shall be entitled to demand and receive from the person or persons owing and paying said arrears of taxes and assessments; the street commissioner shall receive the sum of two dollars for every day actually spent in the service of the city; each councilman shall receive one dollar per day for each day actually spent on the business of the city; the overseer of the poor, the pound-keeper, the assessors, judges of election, inspectors of election, clerk of election, commissioner of ap-

peals, shall receive the same compensation that the overseer of the poor, the poundkeeper, the assessors, the judges of election, the inspectors of election, and the commissioner of appeals, of the different townships of the state, are entitled to receive by the statute laws of the state; and the payment of all salaries shall be made by the city treasurer, upon the presentation of the proper warrant, on the first day of each quarter of the fiscal year, out of any moneys he may have on hand belonging to said city.*

JUSTICES OF THE PEACE AND COMMISSIONERS OF DEEDS.

68. *And be it enacted*, That the present justices of the peace and commissioners for acknowledgment and proof of deeds shall continue in office, for the residue of their terms, as justices and commissioners, respectively, in that ward in which they respectively reside at the passage of this act; and that each ward shall be entitled to two commissioners of deeds, who shall be appointed in the manner prescribed by the statutes of the state.

ELECTION TO BE HELD FOR ADOPTION OR REJECTION OF CHARTER.

69. *And be it enacted*, That this act shall not go into effect unless the assent of a majority of the electors of the township of Hoboken shall be first obtained, and for this purpose, a poll shall be opened on the twenty-ninth day of March, eighteen hundred and fifty-five, between the hours of twelve o'clock,

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* This section was repealed by supplement of 1859, section 12, which was also repealed by later legislation. The mayor now receives $1000 per annum, the city clerk receives $1500, the collector of revenue receives $2500 and five per cent. on arrears of poll and personal taxes collected after Dec. 20th. Councilmen receive $400 per annum, the assessor receives $2500 per annum. The other officers, and the salaries of city officials in general are fixed by ordinance, in virtue of the act of 1861.

noon, and six in the afternoon, under the direction of the inspectors of the last election of the said township, and at the place where the last election was held for members of the township committee, of which time and place the township committee of said township shall give, at least, one week's previous notice in one of the newspapers published or circulated in the said township; and the electors entitled to vote for members of the township committee of said township, as now constituted, shall express their assent or refusal of this act, by depositing their ballots in the box provided for this purpose in said township; and those electors who are in favor of the said law shall each deposit a ballot containing the word "Charter," written or printed thereon, and those who are opposed shall each deposit a ballot with the words "No charter," written or printed thereon, and a canvass and return of the votes shall be made by the said inspectors to the township committee of Hoboken; and if a majority of those who vote at such election are found to be in favor of this act, it shall then, but not otherwise, go into effect.

FORMER ACTS REPEALED.

70. *And be it enacted,* That all acts in relation to the township of Hoboken, and all provisions of a public character in any of the acts relative to the Hoboken Land and Improvement Company, and the Bergen Land Improvement Company, inconsistent with this act, be and are hereby repealed, but the repeal shall not effect any proceedings had or commenced under the same when this act takes effect, nor any rights or dues to which the said city or township, or any person or persons, is or are entitled by virtue thereof.

ACT MAY BE REPEALED.

71. *And be it enacted*, That the legislature may at any time alter, amend, or repeal this act; and this act shall be a public act, and take effect immediately.

VESTED RIGHTS OF PERSONS OR CORPORATIONS.

72. *And be it enacted*, That nothing in this act contained shall be construed to interfere with or impair the vested rights and privileges of any person or corporation whatever, except as to property taken for public use upon compensation, as provided for in this act.

Approved March 28, 1855.

ACTS

RELATING TO THE

WATER COMMISSIONERS

—AND

WATER SUPPLY.

CHAPTER CLI.

An act to amend an act entitled "An act to incorporate the city of Hoboken," approved March twenty-eighth, eighteen hundred and fifty-five.

MAYOR AND COUNCIL MAY CONTRACT FOR SUPPLY OF WATER.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the mayor and council of the city of Hoboken, be and they are hereby authorized to contract for, or make any other arrangement with any person or corporation, for the introduction of pure and wholesome water into said city, for domestic or other purposes, and provide for the payment therefor, whenever the assent of two-thirds of the votes cast at any annual charter election shall be in favor of the same; *provided*, that no contract or other arrangement shall be so made at a higher rate than the established water rates paid by the citizens of Jersey City; all provisions in the charter of the city of Hoboken conflicting with the foregoing are hereby appealed.

Approved March 14, 1856.

CHAPTER CXCIX.

An act to authorize the water commissioners of the city of Hoboken to contract for and introduce water into said city, and to provide for the payment thereof.

WHEREAS, under an act of the Legislature of this State, approved March twenty-fifth, eighteen hundred and fifty-two, entitled "An act to authorize the construction of works for supplying Jersey City and places adjacent with pure and wholesome water," and the supplements thereto, the works therein authorized have been constructed, and the inhabitants of Jersey City thereby supplied with water; and it being represented to this Legislature that the inhabitants of the city of Hoboken, which said city became incorporated by virtue of an act of the Legislature of this State, approved March twenty-eighth, eighteen hundred and fifty-five, entitled "An act to incorporate the city of Hoboken," are desirous of using water supplied as aforesaid within their corporate limits, and power is desired to enable the water commissioners of the city of Hoboken to make contracts with the water commissioners acting under the authority of the first named acts, to introduce water into the said city of Hoboken, for the use of the people thereof, and also desire the power to raise money necessary for the accomplishment of such purposes; now, therefore.

BOARD OF WATER COMMISSIONERS.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Edmund Charles, John M. Board, Charles Clinton, John Irelands, and Edgar Broadhead, and the chairman of the council of the city of Hoboken for the time being, shall constitute the board of water commissioners of the city of Hoboken and their successors in office, hereby are authorized and empowered to make and enter into such contracts, arrangements, and agreements, as in their discretion may be deemed advisable, and as may be agreed upon with the water commissioners for the time being holding office under the said act entitled "An act to authorize the construction of works for supplying Jersey City, and places adjacent, with pure and wholesome water," and the supplements thereto, to enable said commissioners to introduce water into the city of Hoboken, for the use of the inhabitants thereof.

DUTIES AND POWERS OF COMMISSIONERS.

2. *And be it enacted*, That the said water commissioners of the city of Hoboken, and their successors in office, are authorized and empowered to make such rules and regulations as may be necessary and expedient with reference to the laying of pipe in streets, the mode of using water, and the terms upon which the same shall be used, the collection of water rents,

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*This Act was construed by the Supreme Court in the case of the Hackensack Water Company against Hoboken, and held to be an enabling act; that it did not make a new body politic, but merely a special agency by which Hoboken should act in contracting with Jersey City for water, and that the city now possesses all the powers and duties respecting water which it had prior to the passage of this act or which it could since acquire by applicable legislation.

and the enforcement of such collection; and to make all contracts, agreements and engagements as may be deemed expedient, with reference to the purchase of materials, the purchase or use of lands and premises, the doing of work, and the employment of engineers, clerks, and agents, as may be deemed advisable or proper to carry out the purposes and intents of this act; all lands and real estate which may be purchased, held or taken, under the provisions of this, shall be taken in the name of the mayor and council of the city of Hoboken.

WATER COMMISSIONERS MAY ISSUE BONDS.

3. *And be it enacted*, That the water commissioners of the city of Hoboken, for the purpose of enabling them to defray all the costs and expenses that may be incurred under the provisions of this act, shall have authority to issue, in the corporate name of the mayor and council of the city of Hoboken, notes, bonds, scrip, or certificates of debt, to be denominated on the face, "Hoboken City Water Scrip," to an amount in the whole not exceeding sixty thousand dollars, bearing an interest not exceeding seven per cent. per annum, and the said interest shall be payable semi-annually, and the principal of said debt shall be payable at periods not less than ten, or more than twenty years from date; and the said commissioners may sell the same at public or private sale, at such time as the proceeds thereof may be required for the purpose of carrying out the objects of this act, or may pledge the same at the same rate of interest, if deemed necessary or advisable, which said notes, bonds, scrip, or certificates of debt, shall not be sold for less than the par value thereof, which said notes, bonds, scrip, or certificate of debt, shall be signed by the mayor of said city, and sealed with the corporate seal, and countersigned by said commissioners, or a

majority of them, and a record of all such notes, bonds, scrip, or certificates of debt, shall be kept by the said commissioners, and copies of such record shall be made and delivered to the treasurer of the city of Hoboken, and the said corporation, and all the real estate within the corporate limits of the said city, and all chattels belonging to any person or persons, or corporation, residing or being within the said city, shall be made liable for the principal and interest due, or to become due on such notes, bonds, scrip, or certificates of debt.

MAYOR AND COUNCIL AUTHORIZED TO RAISE MONEY BY TAX.

4. *And be it enacted*, That the said mayor and council of the city of Hoboken are, in addition to the powers contained in their charter, hereby authorized and empowered to raise by tax, in such mode or manner as is now prescribed by their charter, such additional sum or sums as may be deemed necessary or advisable, to pay the principal or interest of said notes, bonds, scrip, or certificates of debt, and such additional tax shall be so assessed as to be known and designated as a water tax, distinct from other taxes, and all moneys received by the commissioners shall be deposited by them in some bank or banks of good credit, in the state of New Jersey, or the city of New York, and be made payable to the joint order of the president, and at least two other members of the board.

TERMS OF OFFICERS OF COMMISSIONERS.

5. *And be it enacted*, That the above named commissioners, and the chairman of the board of councilmen of the city of Hoboken, for the time being, shall constitute the first board of water commissioners,

and the said commissioners shall elect annually one of their number to be president of the board, and shall determine, by lot or otherwise, the terms during which the five of the number, other than the chairman of the board of councilmen, shall hold their offices, and these shall be as follows: one of them shall remain in office one year, one two years, one three years, one four years, and one five years, all to be computed from the first day of May next ensuing, and the chairman of the board of councilmen, for the time being, shall, ex-officio, be one of said board.

ANNUAL ELECTION OF COMMISSIONERS.

6. *And be it enacted*, That at the charter election to be held in said city of Hoboken, in the year eighteen hundred and fifty-eight, and every year thereafter, there shall be elected one commissioner, who shall hold his office for five years next ensuing such election, and any vacancy that shall occur in said board of commissioners, by death, resignation, or otherwise, shall be filled by the council of the said city of Hoboken, but the person or persons so appointed to fill such vacancy, shall only hold his or their office until the next charter election, and each commissioner, except the chairman of the board of councilmen, who are appointed by this act, or who shall be elected or appointed under the provisons of this act, before entering upon the duties of his office, shall give a bond for ten thousand dollars, with two good and sufficient sureties, to the mayor and council of the city of Hoboken, and to be approved by said mayor and council, for the faithful performance of their duties as such commissioners; *and be it further enacted*, that no councilman of the said city of Hoboken shall be eligible as a water commissioner,

when holding office, except the chairman of the board as aforesaid.

COMMISSIONERS NOT TO RECEIVE COMPENSATION.

7. *And be it enacted*, That the said commissioners shall not be entitled to take or receive any compensation for their services; but there shall be paid such and all reasonable travelling expenses, incurred while employed upon the works, which shall be paid out of any moneys raised and appropriated for the construction of the water works of the city of Hoboken.

COMMISSIONERS MAY BE REMOVED FROM OFFICE.

8. *And be it enacted*, That the mayor and council of the city of Hoboken, shall at any time remove any commissioner, provided it shall satisfactorily appear, after reasonable notice to the parties, and hearing the causes of complaint and answers thereto, if any shall be offered, that the commissioner whose removal is sought, has been guilty of such mal-administration, or such neglect of the duties of his office, that his removal will be right and proper, and two-thirds of all the members elected to the said council shall concur in such removal.

NO WATER TO BE USED EXCEPT BY CONTRACT WITH COMMISSIONERS.

9. *And be it enacted*, That the said water introduced and supplied by virtue of the said act, entitled an act to authorize the construction of works for supplying Jersey City and places adjacent with pure and wholesome water, and the supplements thereto, shall not be taken or used by the mayor and council of the city of Hoboken, or their officers or agents,

except by express contract with the said commissioners, acting under the authority of the said first mentioned act.

PART OF FORMER ACT REPEALED.

10. *And be it enacted*, That all such parts of the act entitled "An act to incorporate the city of Hoboken, approved March twenty-eighth, eighteen hundred and fifty-five," as are inconsistent with the provisions of this act, are hereby repealed.

11. *And be it enacted*, That this act is a public act and shall take effect immediately.

Approved March 20, 1857.

CHAPTER CXLVIII.

Supplement to an act entitled "An act to authorfze the Water Commissoners of Hoboken to contract for and introduce water into said city, and provide for the payment thereof," approved March twentieth, eighteen hundred and fifty-seven.

ASSESSMENT OF WATER RENTS.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the water commissioners of the city of Hoboken, shall from time to time fix a sum to be assessed annually upon all vacant lots, and lots with buildings thereon, in which Passaic water is not taken, and also upon lots or buildings where the water is taken, if the same are situated upon any road, street, avenue, lane, alley or court in the city of Hoboken, through or in which pipes for distributing the water are laid; which prices and sums so fixed and assessed shall be denominated water rents, of the time of payment of which the commissioners shall give at least thirty days' public notice, by advertisement in a newspaper printed in Hoboken and also the penalties to be incurred for delaying the payments beyond the time so fixed; and the said water rents and penalties shall until paid, be liens upon the property charged therewith, and on and after the twentieth day of December, in each year, the water commissioners shall deliver to the mayor and council of said city a certified account of all the water rents all penalties remaining unpaid at that date, and the council shall order the same to be delivered into the hands of the collector of the arrears of taxes of said

city, who shall charge interest thereon, at the rate of twelve per cent. per annum, and five per cent., for collections, and is empowered to proceed in the collection of the said rents and penalties in the manner and form prescribed by the charter of the city of Hoboken, for the collection of the arrears of taxes, and the amount of such arrears and interest, when collected, shall be paid to the treasurer of the said water commissioners, by the said collector of arrears; and the said collector of arrears, on the first day of May succeeding the time when the certified list of the rents and penalties, remaining unpaid, shall have been delivered to him by the said council, shall deliver to the city clerk a certified copy of all rents and penalties remaining unpaid at that date, together with the interest and expenses due thereon; and the council of said city shall proceed to advertise and sell the lands and premises liable to such rents and penalties in the manner and under the same terms and conditions as prescribed in section forty-eight of the charter of said city; and in the event of the purchase of any lands or tenements by the treasurer of said city on behalf of the city, then the said treasurer shall immediately pay over to the treasurer of the water commissioners the amount of rents and penalties for which the same may be sold; all moneys received by payments or sales by the said collector of arrears, shall be by him paid over to the treasurer of the water commissioners.

PART OF FORMER ACT ANNULLED.

2. *And be it enacted*, That the words, "and all chattels," where they occur in section third of said act, are hereby annulled and shall be taken to be of no effect in the collection of the interest of the water bonds of said city.

COMMISSIONERS AUTHORIZED TO PROSECUTE, &C.

3. *And be it enacted*, That the said commissioners may prosecute or defend any action or process of law, or in equity, by the name of the water commissioners of Hoboken, against any persons for money due for the water, for the breach of any contract, express or implied, touching the execution or management of the works or the distribution of the water, or of any promise or contract, made to or with them, and also for any injury or trespass or nuisance done or suffered to the water courses, pipes, machinery, or other apparatus belonging to or connected with any part of the works, or for any improper use or waste of the water.

PENALTY FOR INJURING WORKS.

4. *And be it enacted*, That if any person or persons shall maliciously or willfully divert the water, or any portion thereof from the said works, or shall corrupt or render the same impure, any pipe, machinery or other property used or required for procuring or distributing the water, such person or persons and their aiders and abettors shall forfeit to the said commissioners, to be recovered in an action of trespass, triple the amount of damages which shall appear on trial to have been sustained, and all such acts are hereby declared to be misdemeanors, and the parties found guilty thereof may be further punished by fine not exceeding one hundred dollars, or imprisonment not exceeding six months, or both at the discretion of the court, and nothing in this act or the act to which this is an amendment, shall be construed to exclude any inhabitant of the city of Hoboken from being a witness in any prosecution authorized by this act.

ANNUAL REPORT TO BE MADE.

5. *And be it enacted*, That the commissioners shall on the first Tuesday in May of every year make a report to the mayor and council of the condition of the works under their charge, accompanied by a statement of their receipts and expenditure on account of the same; they shall also publish the same in the newspaper published in the city of Hoboken, having the largest *bona fide* circulation of said city.

PART OF FORMER ACT REPEALED.

6. *And be it enacted*, That the powers conferred upon the mayor and council under the eighth section of the act to which this is a supplement, be and the same are hereby repealed, vested in and may be exercised by any justice of the supreme court at chambers, who, for conducting and determining the proceedings, shall be paid by the treasurer, out of the contingent fund of said city, a reasonable compensation.

7. *And be it enacted*, That this act shall be taken to be a public act and take effect immediately.

Approved March 16, 1859.

CHAPTER CCXCII.

A supplement to "An act to authorize the water commissioners of the city of Hoboken to contract for and introduce water into said city, and to provide for the payment thereof," approved March twentieth, eighteen hundred and fifty-seven.

PUBLICATION OF PROCEEDINGS AND STATEMENT OF RECEIPTS AND EXPENDITURES.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said board of water commissioners are hereby required to cause to be published the proceedings at their several meetings as they take place; and at the expiration of each and every financial year they shall cause to be made out a full and detailed statement of all the receipts and expenditures for the year last past, and after attesting the same by their authorized clerk, cause the same to be published; said publication of proceedings and annual statement to be made in the newspapers published in said city of Hoboken, now designated to publish the laws of this state.

REGISTER OF BOARD OF WATER COMMISSIONERS.

2. *And be it enacted*, That at the annual charter election to be held in said city of Hoboken in the year eighteen hundred and sixty-eight, and every third year thereafter, there shall be elected a register for said board of water commissioners of the city of Hoboken, who shall hold his office for three years next ensuing such election, and any vacancy that shall occur in said office shall be filled by the said

water commissioners, but the person so appointed to fill such vacancy shall only hold his office until the next charter election, when an election shall be held to fill said office for the unexpired term thereof, and hereafter the said board of water commissioners shall have no power to appoint any person to fill said office of register, except in case of vacancy as above; *provided, however*, that said register so elected shall be subject to the rules and regutations of the board of water commissioners and be removable by said board for cause by them deemed sufficient.

REGISTER SHALL GIVE BOND.

3. *And be it enacted*, That the said register hereafter to be elected shall give a bond with two good and sufficient sureties to the city of Hoboken in its corporate name, in the sum of ten thousand dollars, for the faithful performance of his duties.

4. *And be it enacted*, That all acts or parts of acts inconsistent herewith be, and the same are hereby repealed, and this act shall be deemed a public act, and take effect immediately.

Approved April 2, 1868.

CHAPTER LXXXVIII,

A further supplement to an act entitled "An act to authorize the water commissioners of Hoboken, to contract for and introduce water into said city and provide for the payment thereof," approved March twentieth, eighteen hundred and fifty-seven.

MAY ISSUE BONDS AND CERTIFICATES OF INDEBTEDNESS TO AN INCREASED AMOUNT.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That to enable the water commissioners of the city of Hoboken to defray the expenses which may be incurred in extending their water pipes throughout the city, the notes, bonds, scrip or certificates of debt, which they are authorized to issue by the provisions of the third section of the act to which this is a supplement, may be extended to an amount in the whole not exceeding one hundred thousand dollars.

PROCEEDINGS PUBLISHED.

2. *And be it enacted*, That the proceedings of the several meetings of the board of water commissioners shall be published only in the newspaper published in the city of Hoboken having the largest bona fide circulation in said city.

ANNUAL ASSESSMENT OF WATER RENTS.

3. *And be it enacted*, That the annual assessments of water rents provided for by the first section of

the supplement of the act to which this is a supplement, approved March first, eighteen hundred and fifty-nine, shall be extended to all lots and buildings where the water is taken by private pipes, whether the same are situated upon any road, street, avenue, lane, alley or court in the city of Hoboken, trough or in which pipes for distributing the water are laid or not.

4. *And be it enacted*, That this act shall take effect immediately, and that all acts, or parts of acts inconsistent herewith be and the same are hereby repealed.

Approved March 2, 1869.

CHAPTER XLVI.

A further supplement to an act entitled "An act to authorize the water commissioners of Hoboken to contract for and introduce water into said city and provide for the payment thereof," approved March twentieth, eighteen hundred and fifty-seven.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the words "which said notes, bonds, scrip, or certificates of debt, shall not be sold for less than the par value thereof," in the third section of the act to which this is a supplement, be stricken out of said section; *provided*, that whenever the said commissioners shall sell any of the said notes, bonds, scrip or certificates of debt for less than the par value thereof, they shall first advertise the time and place of such sale in a newspaper printed and published in the city of Hoboken for at least one week next before said sale and in such case the same shall be disposed of by sealed proposals or at public sale, to the highest bidder.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 15, 1870.

CHAPTER DCCXVI.

An act to authorize the appointment of commission- to ascertain the probable cost and the best means of supplying the city of Hoboken, and other northerly portions of the county of Hudson, with pure and wholesome water.

APPOINTMENT OF COMMISSIONERS.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the town council of the town of Union, the township committees of the townships of West Hoboken, Weehawken, and the board of water commissioners of the city of Hoboken, shall each appoint two discreet and suitable persons, which persons so appointed as aforesaid, with the chairman of the town council of the town of Union, the chairman of the township committee of West Hoboken, and the chairman of the township committee of Weehawken, and the mayor of the city of Hoboken shall constitute a board of commissioners, which commissioners shall be and they are hereby constituted a body politic and corporate, by the name of the "North Hudson County Water Commissioners," and they and their successors may use a common seal, and by their corporate name may sue and be sued in any court of law or equity in this state, in the same manner as other corporations.

TIME AND PLACE OF HOLDING MEETING.

2. *And be it enacted*, That the said board of commissioners shall hold their first meeting at such time

and place as may be designated by the board of water commissioners of the city of Hoboken, and at their first meeting they shall organize by electing from their own number a president, a treasurer, and a secretary.

DUTIES OF COMMISSIONERS.

3. *And be it enacted*, That it shall be the duty of saie commissioners to make all necessary explorations and investigations to enable them as nearly as may be to ascertain the best and most effectual means of procuring a sufficient supply of pure and wholsome water for the public and private use of the inhabitants of the said city, town and townships, also to estimate the costs of the necessary lands, rights, privileges, pipes, reservoirs, engines, pumps, labor and other necessary things sufficient to secure a full supply of pure and wholesome water for the purposes aforesaid, and for that purpose they are hereby authorized to enter upon any lands in this state to make necessary surveys and to examine the waters thereon, and also to appoint and employ such engineers, clerks, laborers and other assistants as they may deem necessary therefor; *provided*, they shall not expend, nor incur any indebtedness, exceeding in the aggregate the sum of ten thousand dollars.

SHALL REPORT PLANS, ESTIMATE OF COSTS, &C.

4. *And be it enacted*, That when said board of commissioners or a majority of them have agreed upon any plan which in their judgment will effect the purpose of so supplying pure and wholesome water to the inhabitants of said city, town or townships, they shall report the same to the mayor and council of the city of Hoboken, to the council of the town of Union, and to the town committees of said

townships of West Hoboken and Weehawken, together with plans, estimates of costs and such other facts, figures and information as will in the opinion of said board best enable all parties interested, to judge of the advisability of constructing such works.

ALSO INFORMATION CONCERNING WATER SUPPLIED BY THE JERSEY CITY WATER WORKS.

5. *And be it enacted*, That it shall be the duty of said board of commissioners to include in their said report, all information they may be able to obtain in relation to the quality, purity, permanence, extent and cost of the water supplied by the Jersey City water works.

DUTIES OF MAYOR AND COUNCIL OF HOBOKEN, COUNCIL OF TOWN OF UNION AND TOWN COMMITTEES OF TOWNSHIPS OF WEST HOBOKEN AND WEEHAWKEN, WHEN REPORT OF COMMISSIONERS IS FILED.

6. *And be it enacted*, That within days after the filing of the above mentioned report of said board of commissioners, the mayor and council of the city of Hoboken, the council of the town of Union, and the respective town committees of the townships of West Hoboken and Weehawken, shall by resolution respectively declare whether they deem it expedient to proceed with the construction of any works recommended by the said board of commissioners, and if any or all of the said municipal bodies declare in favor of proceeding with the construction of such works, then in that case the said board of commissioners shall provide suitable books with the following heading in each : "We the undersigned severally protest against the construction of water works as recommended by the North Hudson County Water Commissioners," and they shall place one of said

books in the office of the city clerk of Hoboken, and one in the office of the town clerk of Union, and one in the office of the town clerk of West Hoboken, and one in the office of the town clerk of Weehawken township, and thereupon said board of commissioners shall give notice by advertisement in at least three newspapers published in the county of Hudson, and circulating in said municipalities and by such other means as they may deem necessary, that said books are placed as aforesaid, and that the same will be open every week day from ten o'clock in the morning to nine o'clock in the evening, for three weeks successively, for parties interested to enter their protest therein, and each person so protesting shall sign his or her own name only, and shall place opposite his or her name the assessed value of the real estate on which he or she as owner paid taxes in the previous year; and when said books are closed after having been so kept open for three weeks, if it shall appear that the owners of a majority of the assessed value of the real estate in said city, town and township have protested against the construction of water works, then no further action whatever shall be taken in said matter; and if it shall appear that the owners of a majority of the value of real estate have not protested, then the said board of commissioners shall procure a suitable bill to be drawn and presented to the legislature to authorize the construction of said water works for the purpose aforesaid.

EXPENSES PROVIDED FOR BY TAXATION.

7. *And be it enacted*, That for the purpose of paying the necessary expenses to be incurred in carrying out the provisions of this act, the sum of ten thousand dollars shall be raised by taxation to be assessed and levied upon all taxable real estate situate in the

city of Hoboken, in the town of Union, in the township of West Hoboken, and in the township of Weehawken.

COMMISSIONERS SHALL COMPUTE SAID ASSESSMENTS.

8. *And be it enacted*, That the said commissioners shall compute and ascertain the whole value of real estate to be taxed according to the value thereof contained in the duplicates of the several assessors of said city, town and townships for the year one thousand eight hundred and seventy-two, and shall fix and adjust the proportion or quota of said tax to be levied and collected in each of said townships, town or city in proportion to said value, and shall certify the amount to be raised in each township, town or city, and shall send such certificate to the several assessors of said townships, town or city, and thereupon it shall be the duty of the said assessors to assess the said sums so ordered to be raised, and of the collectors of said townships, town or city to collect the same in the same manner as other municipal taxes are assessed and collected.

MONEYS COLLECTED TO BE DEPOSITED IN THE FIRST NATIONAL BANK OF HOBOKEN.

9. *And be it enacted*, That it shall be the duty of said collectors to deposit the moneys assessed and collected by virtue of this act, in the First National Bank of Hoboken, to the credit of the North Hudson County Water Commissioners.

COMMISSIONERS MAY USE FUNDS FOR DEFRAYING EXPENSES.

10. *And be it enacted*, That the said the North Hudson County Water Commissioners may use the funds so deposited to their credit for the purpose of

paying any indebtedness necessarily incurred in carrying out the provisions of this act; *provided*, that every draft or order on said book for the payment of any money shall be signed by the treasurer of said board, attested by the secretary thereof and countersigned by the president of said board.

DUTY OF TREASURER.

11. *And be it enacted*, That it shall be the duty of said treasurer to keep an accurate account of all moneys paid, and of all debts contracted, and at least once a month to make a plain statement in writing, showing how much has been paid and the amounts of indebtedness owing by said the North Hudson County Water Commissioners.

LIMIT OF INDEBTEDNESS.

12. *And be it enacted*, That the said commissioners shall not expend or incur indebtedness exceeding in the whole the sum of ten thousand dollars, and if the sum of ten thousand dollars deposited to the credit of said commissioners is not all expended in carrying out the provisions of this act, such unexpended balance shall be returned to each township, town and city in the same proportion as the same was contributed by said municipalities.

13. *And be it enacted*, That this act shall be deemed to be a public act, and shall take effect immediately.

Approved April 4, 1873.

CHAPTER CXCVII.

An act to enable cities to supply the inhabitants thereof with pure and wholesome water.

ATTHORITY AND POWER TO PURCHASE AND OWN WATER WORKS, &C., FOR THE PURPOSE OF SUPPLYING WATER, &C.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That any city within this State be, and is hereby authorized, in the manner hereinafter provided, to take and convey from such source or sources as may be practicable, into and through said city, such quantity of pure and wholesome water as may be required for domestic and other purposes by the inhabitants residing within the corporate limits of said city; and to this end, the said city is hereby authorized and empowered, in the corporate name of said city, to purchase of any water company owning water works within said city, which said company is hereby authorized to sell and convey, all the real estate, personal property and works, and all the corporate rights, powers, franchises and privileges of said company, for such sum as may be mutually agreed upon by and between the said city and the said water company; and upon the due execution of the conveyance therefor, the said real estate, personal property and works, and corporate rights, powers, franchises, and privleges shall pass to and vest in the said city in as full and ample manner as the same now are or heretofore have been held and enjoyed by the said water company; and that the said city may, in the name and in behalf of said city, purchase, take, hold and enjoy,

and convey and dispose of all and such other real and personal estate as may be necessary for the purpose of this act, and may construct and maintain canals, aqueducts, reservoirs, basins, stand pipes, buildings, machinery and appurtenance of every kind that may be necessary and useful for such purposes, with full power and authority to lay and relay water pipes under any avenue, road, railroad, highway, street, lane or alley within the said city.

PROCEEDINGS IN CASE OF ANY DISAGREEMENT BETWEEN CITY AND OWNER OR OWNERS AS TO PURCHASE.

2. *And be it enacted*, That in case of any disagreement between the said city and the said water company, or the owner of any other land or water rights, which may be required for the said purposes, or affected by any operation connected therewith, as to the amount of compensation to be paid to the said water company, or to such other owner; or in case any such owner shall be an infant, or a married woman, or non compos mentis, or absent from this state, the circuit court in and for the county wherein said city is situated, shall on application of either party, nominate and appoint three disinterested and competent persons as commissioners to examine the real estate and personal property of the said water company, or any other land or water rights, and estimate the value thereof, or damages sustained thereby, and who shall, after reasonable notice to the parties of the time and place when and where they will be heard in relation to the matter, and after hearing and examining the parties, and their respective witnesses, under oath or affirmation and viewing the property, thereupon proceed without delay to make their report thereon, and deliver the same to the said court at the next term thereof which may be held in the said county.

PROCEEDINGS IN CASE OF APPEAL.

3. *And be it enacted*, That whenever such report shall be confirmed by said court, the said city shall, within two months thereafter, in case of no appeal therefrom, or from the determination of said appeal, pay or cause to be paid to the said water company, or to such other owner (as the case may be), or to such person or persons as the said court may direct, the sum mentioned in said report as the value or damages therefor, in full compensation for the real and personal estate of water company aforesaid, or for any other property so required, or for the damages so sustained, as the case may be; and thereupon the said city shall become seized absolutely and in fee of said real and personal estate of the said water company or of such other property so required, and shall be thence discharged from all further claims by reason of such damage; but no claim shall be made or allowed after the expiration of three years from the time the land is taken or the damage suffered; *provided*, however, that in case the said city, or the said water company, or owner or owners of the said lands or water works shall be dissatisfied with the report of the said commissioners, and shall apply to the justice of the said circuit court at the same term after the filing of the said report, the court shall have the power, upon good cause shown, to set the same aside, and thereupon to direct a proper issue for the trial of the said controversy, to be formed between the said parties, and to order, if required, a jury to be struck, and a view of the premises to be had, and the said issue to be tried at the next circuit court to be holden in the said county, upon the like notice, and in the same manner as other issues in the said court are tried; and it shall be the duty of the

said jury to assess the value of the said land or water works, and damages sustained; and if they shall find a greater sum than the said commissioners shall have awarded in favor of the said owner or owners, then judgment thereon, with costs shall be entered against the said city, and execution awarded therefor; but if the said jury shall be applied for by the said owner or owners, and shall find the same, or a less sum than the said city shall have offered, or the said commissioners awarded, then the said costs to be paid by said applicant or applicants, and either deducted out of the said sum found by the said jury, or execution awarded therefor, as the court shall direct; *provided*, that such application to the court shall not prevent the said city from taking the said land upon the filing of the aforesaid report and tender of the sum awarded.

APPOINTMENT OF ENGINEERS, SURVEYORS, OFFICERS AGENTS, &C.

4. *And be it enacted*, That it shall be lawful for the said city, by its board of aldermen, council or other legislative body, to elect or appoint any and all engineers, surveyors, officers, agents, employees or committeemen that they may deem necessary or convenient for accomplishing the purposes contemplated by this act, to define their duties, regulate their compensation, and provide for their removal, and that the said engineers, surveyors, officers, agents, employees or committeemen so appointed or elected as aforesaid, are hereby authorized and empowered to enter upon any land or water for the purpose of making any and all surveys and examinations necessary under this act, and at all seasonable hours to enter any dwelling or other place where the water so furnished is taken or used, and where unnecessary waste thereof is known or suspected, and examine

and inquire into the cause thereof, and the said engineers, surveyors, officers, agents, employees or committeemen shall have full power to examine all service pipes, stop cocks and other apparatus connected with the water supply or drainage works, for the purpose of ascertaining whether the same are of the character and dimensions, and fixed in the manner directed by the ordinance or ordinances of the said city regulating the same, and if any person or persons shall refuse to permit such examinations, or oppose or obstruct any such engineers, surveyors, officers, agents, employees, or committeemen in performance of such duty, he, she or they so offending shall have the supply of water shut off, until the required examination is made, and such alterations and repairs as may be found necessary shall be completed.

ADVERTISEMENT TO BE MADE FOR PROPOSALS FOR WORK WHEN EXPENDITURE EXCEEDS A CERTAIN SUM.

5. *And be it enacted*, That whenever any work to be performed or materials to be furnished under the provisions of this act, may involve an expenditure of any sum exceeding five hundred dollars, the said board of aldermen council or other legislative body of said city, shall designate a time when they will meet at their usual place of meeting, to receive proposals in writing, for doing such work or furnishing such materials, as the case may be, and shall thereupon order the clerk or some other officer of said city to give notice thereof, by advertisements put up in ten of the most public places of the said city, and by advertising the same in one or more newspapers printed and published in said city, at least two weeks before the time of such meeting, which advertisements shall specify the dimensions and equality of the work to be done, or materials to be furnished; that all such proposals shall be publicly opened in the presence

of those who choose to attend, that not more than one proposal shall be received from any one person for the same contract, directly or indirectly and that said body shall be empowered to reject any or all of said proposals, and to advertise for new proposals, and to accept such as shall in the opinion of a majority of said body be deemed most advantageous for said city; *provided*, the contract for such work and materials, when awarded, shall be awarded to the lowest bidder, and to enter into and compel the performance of all necessary and proper contracts for the doing of such work or furnishing such materials.

CONTRACTS TO BE IN WRITING.

6. *And be it enacted*, That all such contracts shall be in writing, and of each contract two copies shall be taken, and each copy shall be read before the said body; and if approved by a majority of the whole number thereof, such approval shall be endorsed upon each of said copies by the president of the said body and be by him signed as such president, and then such contracts so approved, endorsed and signed shall be executed by the mayor of the said city on behalf of and in the name of the said city, and under the common seal thereof, and that one of said copies, when fully executed by the parties thereto, shall be deposited with the treasurer of said city, and that no party shall be allowed to enter upon any work or furnish any material until such contract shall have been so read, approved, endorsed, executed and deposited as aforesaid; and that every person who shall enter into any such contract with the said city, shall give satisfactory security for the faithful performance of his contract according to its terms, with at least two sureties to be approved by said common council.

MAY BORROW MONEY AND ISSUE BONDS.

7. *And be it enacted*, That any of the said cities be and they are hereby authorized to borrow any sum not exceeding eighty thousand dollars, for the purpose of defraying all the expenses and the cost of the purchase of real estate, works and appurtenances of the said existing water company or companies, and of maintaining and extending the same and for the purpose of defraying all the expenses and the cost of such other lands, buildings or water privileges as shall be purchased or taken for the purposes of this act and for the purchase of materials, the laying of pipes and mains in the said city and constructing all works necessary to the full accomplishment thereof and of all expenses incidental thereto, and to secure the payment thereof by issuing bonds under the seal of said city, and the signature of the mayor and other proper officers of said city, bearing interest at the rate of seven per centum per annum, payable semi-annually; that the principal of said debt shall be payable at periods not less than ten nor more than thirty years from date, and the treasurer of said city may dispose of the said bonds at either public or private sale for the best price that can be obtained, but at not less than their par value; that record of all said bonds so issued and disposed of shall be kept by the said treasurer, and all moneys received therefrom shall be deposited by said treasurer in any bank or banks to be designated from time to time by a majority of said common council, and shall be drawn upon by said treasurer for the purposes of this act solely, and for none other, and only when said treasurer shall be so ordered by proper warrant or warrants issued by said board of aldermen, council or other legislative body of said city.

TREASURER TO KEEP REGULAR BOOKS OF ACCOUNTS.

8. *And be it enacted*, That the treasurer of said city shall keep regular books of account, containing the receipts and expenditures under this act, and all such books shall be open at all times to the examination of any member of the legislative body of said city and of any person or persons appointed by said body for that purpose; that the said treasurer shall once at a time fixed by said body, in each and every year, make a detailed statement to the said body of such receipts and expenditures, an abstract of which shall be published with the annual statement of said treasurer.

AUTHORIZED TO MAKE RULES AND REGULATIONS.

9. *And be it enacted*, That the said board of aldermen, council or other legislative body of said city shall have the power and they are hereby authorized to make, ordain and establish, all such ordinances, resolutions and regulations as said body may deem necessary and proper for the distribution, supply, use and protection of the said water and the safety, security and protection of the buildings, machinery, canals, aqueducts, reservoirs, and other works and appurtenances thereto, and for fixing and collecting the water rents or prices for water, and for imposing penalties in addition to cutting off the water for the non-payment thereof, and that they may erect such number of public hydrants and fire plugs, and in such places as they shall see fit, and direct in what manner and for what purposes the same shall be used.

WATER RENTS TO BE A LIEN.

10. *And be it enacted*, That the owner and occu-

pier of any house, tenement, building or lot, shall each be liable for the payment or the price or rent as fixed by the said board of aldermen, council or other legislative body of said city for the use of the water by such owner or occupier, and such price or rent so fixed shall be a lien upon said house, tenement, building or lot, until the same shall be paid and satisfied; that said body shall have authority to require payment in advance for the use or rent of water furnished by said city in or upon any building, place or premises, and in case prompt payment of any water rent or rents shall not be made when the same becomes due, the water shall be shut off from such building, place or premises, and shall not be again supplied to said building, place or premises, until such arrears with interest thereon shall be fully paid, and it shall and may be lawful for the said body to give notice for one month, by advertisements in a newspaper printed and published in said city, requiring the owners or occupants of such houses, tenements or lots to pay such water rents so remaining due and unpaid thereon, and if the same are not paid, such houses, tenements, and lots will be sold at public auction, at a day and place to be specified therein, for the lowest term at which any person will offer to take the same in consideration of paying the amount of the water rent, with interest thereon due on the same, and the expenses of such advertisement and sale, and if, notwithstanding such notice, the owners or occupants shall refuse or neglect to pay such water taxes and the interest thereon and the expenses of the said advertisement, then it shall be lawful for the said body to cause such houses, tenements and lots to be sold at public auction for a term for the purposes and in the manner expressed in said advertisement, and to give a declaration of such sale to the purchaser thereof, un-

der the common seal of the said city, and such purchaser, his executors, administrators or assigns shall, by virtue thereof and of this act, lawfully hold and enjoy the same for his and their own proper use against the owner or owners thereof, claiming under him or them, until his term shall be complete and ended; and that such purchaser shall be at liberty, at or before the end of his term, to remove the buildings and materials erected and placed by him thereon, taking care to leave the same in as good order and condition as when it came into his possession; and in addition to the remedies above provided, all water rents due, or to become due to the said city, may be collected and recovered in the name of the treasurer of said city in an action of debt, or on the case, before any court of competent jurisdiction, against any person chargeable therewith.

WHEN EMPOWERED TO CHARGE OWNERS OF ANY BUILDING AS FOR A SINGLE HYDRANT.

11. *And be it enacted*, That the board of aldermen council or other legislative body of said city, be and they are hereby authorized and empowered by ordinance to charge the owners of any and every building erected along the line of any street, road, lane or alley in said city, in which any water pipe shall be laid by order of said common council, and shall not have the water introduced on the premises, a water rent not exceeding the rent charged by said city for a single hydrant, and collect the same in the manner hereinbefore provided for, for the collection of water rents in arrears.

MONEYS FOR WATER RENTS, HOW APPLIED.

12. *And be it enacted*, That such portions of the money received from the water rents or prices paid

for the use of water, and interest on arrears of water rents, as may remain after paying all expenses for constructing and maintaining the works and raising and distributing the water and salaries, wages and incidental expenses and charges, shall be applied by said body first to the payment of the interest upon the debt created for the construction of the works, and next to the purchase of the bonds issued therefor, if the same can be obtained at reasonable rates, or if that cannot be effected, then to be safely invested by commissioners of the sinking fund of the said city, if any there be, and if none, then by the said legislative body, and allowed to remain as a sinking fund, to be applied to the payment of the bonds at maturity.

PROCEEDINGS IN CASE OF RECEIPTS ARE LESS THAN EXPENDITURES.

13. *And be it enacted,* That the said board of aldermen, council or other legislative body of said city, shall on or before a certain day in each year, to be fixed by said body, by a committee to be appointed from the members thereof, cause a careful estimate to be made of the interest on the water debt and cost of managing and keeping in repair and operation of the works for the ensuing year, and of the amount to be received during the same year for the use of water and water rents, and of the deficiency, if any, of such receipts for the payment of such expenditures, and such committee shall report the same in writing to said body, and said deficiency said city shall raise by tax as other city taxes are assessed, levied and collected, and said body shall, in case of any estimated deficiency, furnish a copy of such report to the board or officer who by law is required to make assessments of taxes in said city.

MAY ASSESS ADDITIONAL SUM TO COVER LOSSES, &C.

14. *And be it enacted*, That it shall be the duty of the said board or other officers of said city to add to the sum so reported three per centum to cover losses and contingencies, and to assess such sum so increased upon all the taxable property in said city in the same manner as other taxes are assessed, and said taxes shall be collected by the collector and other officers of said city, who are by law required to collect taxes, and if not paid at the time required by law for the payment of other city taxes, shall be collected by warrant and by and in the same manner as other city taxes are collected in said city and shall be a lien upon the property whereon the same are assessed in like manner.

PENALTY FOR INJURY TO PROPERTY OR WORKS.

15. *And be it enacted*, That if any person or persons shall maliciously or wilfully divert the water or any portions thereof from the said works, or shall pollute, corrupt or render impure the water in any reservoir, aqueduct, conduit or raceway erected, built or laid down under the provisions of this act, or shall destroy or injure any engine, machine, reservoir pipe, fire plug, hydrant or structure whatsoever, or other property used or required for procuring or distributing the water whereby the same may be obstructed or stopped, or shall wilfully or maliciously draw off or waste the water from any fire plug or hydrant, such person or persons and their aiders and abettors shall forfeit to the said city, to be recovered in the name of the treasurer of said city, in an action of trespass, in any court in this state having cognizance of the same, triple the amount of damages which shall appear on trial to have been sustained, and all such acts are hereby declared to

be misdemeanors, and the parties found guilty thereof may be further punished by fine not exceeding five hundred dollars, or by imprisonment at hard labor, not exceeding one year, or both, at the discretion of the court.

PROVISIONS OF ACT TO REMAIN INOPERATIVE IN ANY CITY UNTIL ASSENT TO BY A MAJORITY OF THE LEGAL ELECTORS THEREOF.

16. *And be it enacted*, That this act shall take effect immediately, but its provisions shall remain inoperative in any city in this state until assented to by a majority of the legal electors thereof voting at an election to be held in said city at any time to be fixed by the board of aldermen, council or other legislative body of said city, of which election the city clerk of said city shall cause public notice of the time and place of holding the same to be given by advertisements signed by himself, and set up in at least twenty public places in said city, and published in one or more newspapers printed therein, for at least six days previous to the day of such election, and said clerk shall provide for each elector voting at such election, ballots, to be printed or written, or partly printed and partly written, on which shall be either the words for the adoption for this city, of the provisions of an act to entitled "An act to enable cities to supply the inhabitants thereof with pure and wholesome water," or against the adoption for this city of the provisions of an act entitled "An act to enable cities to supply the inhabitants thereof with pure and wholesome water," that the polls for such election shall be held at the usual places of holding the annual charter election in said city, and shall be opened at seven o'clock in the forenoon, and closed at seven o'clock in the afternoon, and such election shall be conducted by the proper election officers of

said city for the time then being, and in the manner as may then be prescribed by the ordinance of said city regulating elections therein, and such officers shall return to the board of aldermen, council or other legislative body of said city, a true and correct statement, in writing, under their hands, of the result of said election, the same to be entered at large upon the minutes of said body.

Approved April 21, 1876.

CHAPTER LXXXII.

A supplement to "An act to enable cities to supply the inhabitants thereof with pure and wholesome water," approved April twenty-first, eighteen hundred and seventy-six.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That the seventh section of the act to which this is a supplement, and which reads as follows, to wit:

"7. *And be it enacted*, That any of the said cities be and they are hereby authorized to borrow any sum not exceeding eighty thousand dollars, for the purpose of defraying all the expenses and the cost of the purchase of real estate, works and appurtenances of the said existing water company or companies, and of maintaining and extending the same, for the purpose of defraying all the expenses and the cost of such other lands, buildings or water privileges as shall be purchased or taken for the purposes of this act, and for the purchase of materials, the laying of pipes and mains in the said city, and constructing all works necessary to the full accomplishment thereof, and of all expenses incidental thereto, and to secure the payment thereof by issuing bonds under the seal of said city and the signature of the mayor and other proper offices of said city bearing interest at the rate of seven per centum per annum, payable semi-annually; that the principal of said debt shall be payable at periods not less than ten nor more than thirty years from date, and the treasurer of said city may dispose of the said bonds at either public or private sale for the best price that can be obtained, but not

less than par value; that record of all said bonds so issued and disposed of shall be kept by the said treasurer and all moneys received therefrom shall be deposited by said treasurer in any bank or banks to be designated from time to time by a majority of said common council, and shall be drawn upon by said treasurer for the purposes of this act solely, and for none other, and only when said treasurer shall be so ordered by proper warrant or warrants issued by said board of aldermen, council or other legislative body of said city" be and the same is hereby amended so as to read as follows, to wit:

AMOUNT WHICH CITIES ARE AUTHORIZED TO BORROW.

7. *And be it enacted*, That any of the said cities be and they are hereby authorized to borrow any sum not exceeding ten hundred thousand dollars for the purpose of defraying all the expenses and the cost of the purchase of real estate, works, property, rights, franchises, privileges and appurtenances of the said existing water company or companies, and of maintaining and extending the same, and for the purpose of defraying all the expenses and the cost of such other lands, buildings or water privileges as shall be purchased or taken for the purposes of this act, and for the purchase of materials, the laying of pipes and mains in the said city, and constructing all works necessary for the full accomplishment thereof, and of all expenses incidental thereto, and to secure the payment thereof by issuing bonds not exceeding the amount aforesaid, under the seal of said city, and the signature of the mayor and other proper officers of said city, bearing interest at the rate not exceeding seven per centum per annum payable semi-annually, and to pledge the property and credit of said city for the payment of the same; that the principal of said debt shall be payable at periods not less than

ten nor more than fifty years from date, and the treasurer of said city may dispose of the said bonds at either public or private sale for the best price that can be obtained, but at not less than their par value; that record of all said bonds so issued and disposed of shall be kept by the said treasurer, and all moneys received therefrom shall be deposited by said treasurer in any bank or banks to be designated from time to time by a majority of said board of aldermen or common council, and shall be drawn upon by said treasurer for the purposes of this act solely, and for none other, and only when said treasurer shall be so ordered by proper warrant or warrants issued by said board of aldermen, council or other legislative body of said city.

2. *And be it enacted*, That the eleventh section of the act to which this is a supplement, and which reads as follows, to wit:

"11. *And be it enacted*, That the board of aldermen, council or other legislative body of said city, be and they are hereby authorized and empowered by ordinance to charge the owners of any and every building erected along the line of any street, road, lane, alley in said city in which any water pipe shall be laid by order of said common council, and shall not have the water introduced on the premises, a water rent not exceeding the rent charged by said city for a single hydrant, and collect the same in the manner hereinbefore provided for, for the collection of water rents in arrears," be and the same is hereby amended so as to read as follows, to wit:

AUTHORIZED TO CHARGE AND COLLECT WATER RENTS.

11. *And be it enacted*, That the board of aldermen, common council, or other legislative body of said city, be and they are hereby authorized and empower-

ed by ordinance to charge the owners of any and every building erected along the line of any street, road, lane or alley in said city, in which any water pipes are now laid, or shall hereafter be laid, by order of said board of aldermen or common council, and shall not have the water introduced on the premises, a water rent not exceeding the rent charged by said city for a single hydrant, and collect the same in the manner hereinbefore provided for, for the collection of water rents in arrears; and that the board of aldermen, common council, or other legislative body of said city, may from time to time fix by ordinance a sum to be assessed annually upon all vacant lots situated along the line of any street, road, lane or alley in said city, in which any water pipes are now laid, or shall hereafter be laid, by order of said board of aldermen or common council, which sums so fixed and assessed shall be denominated water rents, and shall be collected in the manner hereinbefore provided for, for the collection of water rents.

3. *And be it enacted*, That the twelfth section of the act to which this is a supplement, and which reads as follows, to wit:

"12. *And be it enacted*, That such portions of the moneys recived from the water rents or prices paid for the use of water, and interest on arrears of water rents, as may remain after paying all expenses for constructing and maintaining the works and raising and distributing the water, and salaries, wages and incidental expenses and charges, shall be applied by said body, first, to the payment of the interest upon the debt created for the construction of the works; and next, to the purchase of the bonds issued therefor, if the same can be obtained at reasonable rates, or if that cannot be effected, then to be safely invested by commissioners of the sinking fund of the said city, if

any there be, and if none, then by the said legislative body, and allowed to remain as a sinking fund, to be applied to the payment of the bonds at maturity," be and the same is hereby amended so as to read as follows, to wit:

MONEYS RECEIVED, HOW APPLIED.

12. *And be it enacted*, That such portions of the moneys received from the water rents or prices paid for the use of water, and interest on arrears of water rents, as may remain after paying all expenses and costs for purchasing water works, or for constructing and maintaining water works, and raising and distributing the water, and salaries, wages and incidental expenses and charges, shall be applied by said body, first, to the payment of the interest upon the debt created for the purchase and construction of the works; and next, to the purchase of the bonds issued therefor, if the same can be obtained at reaasonable rates, or if that can not be effected, then to be safely invested by commissioners of the sinking fund of the said city, if any there be, and if none, then by the said legislative body, and allowed to remain as a sinking fund, to be applied to the repayment of the bonds at maturity.

BOARD OF WATER COMMISSIONERS AUTHORIZED TO ACT IN CITIES WHERE SUCH BOARDS EXIST.

4. *And be it enacted*, That whenever any water works owned and controlled by any city in this State shall be directly managed and conducted by any board of water commissioners, or other body authorized by law, then and in that case the said board of commissioners or other body shall have all the powers, rights and duties in respect to the manage-

ment of said water works, and the assessment and collection of said water rents or taxes, which are by this act, or the act to which this is a supplement, conferred, or may be hereafter conferred upon the board of aldermen, council, or other legislative authority of such city.

CITIES OWNING WORKS UNDER ACT HERETOFORE PASSED TO ENJOY RIGHTS AND PRIVILEGES CONFERRED BY THIS ACT.

5. *And be it enacted*, That any city in this State owning and controlling water works under and by virtue of any act heretofore passed, may enjoy and exercise all the powers, rights and privileges conferred by this act, so far as the same may be applicable, and with no other limitations or restrictions than are herein contained and specified.

6. *And be it enacted*, That this act shall take effect immediately.

Approved March 9, 1877.

CHAPTER CVIII.

An act relating to the purchase of land and water rights by boards of water commissioners, and issuing bonds therefore.

CONSENT OF COMMON COUNCIL TO BE OBTAINED BEFORE ISSUING BONDS.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases where there is in any city of this state an aqueduct board or board of water commissioners, it shall not be lawful for such board to make any contract or issue any bonds for the purchase of any land or water rights for the purpose of supplying said city with water, without having first obtained the consent of the common council or other governing body of such city thereto.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 27, 1878.

CHAPTER LXXXVI.

A supplement to an act entitled "An act to enable cities to supply the inhabitants thereof with pure and wholesome water," approved April twenty-first, one thousand eight hundred and seventy-six.

ASSESSMENT FOR USE OF WATER TO BE A LIEN ON PROPERTY.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any city in this state having more than ten thousand inhabitants, wherein water works are or may be owned by the city, and controlled directly or indirectly by the city authorities, all assessments by whatever name designated for the use and supply of water furnished to the occupant or owner of any property, may be charged either against the said occupant or the said owner, at the option of the commissioners or other officials whose duty it shall be to lay such assessments; and, in either case, they shall be and remain a lien upon said property until they shall have been fully paid.

2. *And be it enacted*, That this act shall be deemed a public act, and shall take effect immediately, and that all acts and parts of acts inconsistent herewith, be and the same are hereby repealed.

Approved March 13, 1879.

CHAPTER CXL.

A supplement to an act entitled "An act relating to municipal or other authorities owning or managing works for the supplying of water to the public," approved March fourteenth, one thousand eight hundred and seventy-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the first section of the act above referred to be amended so as to read as follows:

MUNICIPAL AUTHORITIES TO USE THEIR DISCRETION FIXING SUMS TO BE ASSESSED UPON VACANT LOTS, &C.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in every city of this state, in which the municipal or other authorities own or manage water works, and are now empowered and compelled to annually fix a sum to be assessed upon vacant lots, and lots with buildings thereon, in which water is not taken, such authorities are hereby authorized to use their discretion in each year in fixing or omitting to fix such sums to be so assessed.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 22, 1881.

CHAPTER LXXI.

An act concerning cities.

CITY AUTHORITIES AUTHORIZED TO EXTEND WATER MAINS BEYOND THE LIMITS OF ANY CITY.

1. Be it enacted *by the Senate and General Assembly of the State of New Jersey*, That in every city in this state in which water works are owned and controlled by the city authorities, the common council, board of commissioners, aqueduct board, or other body having the actual management of such works, may, whenever they shall deem it expedient, and on such terms for water takers as they may from time to time prescribe by general rules, or make contracts for, with individual consumers, extend their water mains beyond the limits of such cities respectively, to a distance not exceeding four miles in any single direction, and make such lateral connections with said mains, and establish and maintain such fire hydrants as they may from time to time find necessary or desirable; *provided* that the rates charged to water takers outside of such city limits shall not in any case be less than are charged for the same service within such cities; but may be as much greater (not exceeding twice as much, exclusive of hydrants), as the body having the management of such works may determine; *and provided further*, that nothing in this act shall be construed to authorize the common council or other body having the actual management of such water works, to increase the bonded indebtedness of any such city for the purpose of laying such water pipes or to extend

their pipes beyond the borders of this state or within the limits of any other city in which water works are or may be established, without the previous consent of the proper authority in such other city.

TOWN COMMITTEE AUTHORIZED TO ENTER INTO CONTRACT FOR THE SUPPLY OF WATER, &C.

2. *And be it enacted*, That the township committee, council, or other proper authority of any township, borough, or other municipal corporation within which such water mains shall be extended, as hereinbefore provided for, are hereby authorized to enter into contract with said council, commissioners, board or other body having the actual management of water works as aforesaid, for the maintenance and use of fire hydrants, on such conditions and at such rates as may be mutually agreed upon; *provided, however*, that the ordinary use of roads and highways shall not be unreasonably interrupted during the laying of such water mains and pipes, and that such roads and highways shall be left in as good condition as when such work was begun.

3. *And be it enacted*, That all acts and parts of acts inconsistent herewith, and so far as inconsistent herewith, be and the same are hereby repealed, and that this act shall take effect immediately.

Approved March 10, 1882.

CHAPTER CXLIV.

An act to authorize additions to sinking funds in cities.

BOARD OF COMMISSIONERS AUTHORIZED TO MAKE ADDITIONS TO SINKING FUND ANNUALLY IN ORDER TO PROVIDE FOR PAYMENT OF LANDS.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in cities where there are water works in operation under the control of a board of commissioners, and where a sinking fund has been established by them for the redemption of bonds issued for the purchase or extension of said works, such board of commissioners are hereby authorized to make additions to such sinking fund annually to such amount as they deem proper and necessary in order to provide for the payment of all bonds issued by authority of law by such board, and with authority to make such regulations for and disposition of such fund as may be necessary to make it applicable for the redemption of the several series of bonds issued as they mature; such amounts as may be appropriated by authority of this act may be paid from the revenues derived from the use of water, and are not to exceed annually an amount equal to ten per centum of the water rent revenues of the preceeding year.

2. *And be it enacted*, That this act be deemed and taken to be a public act and shall take effect immediately.

Approved March 28, 1882.

CHAPTER LXXXI.

An Act authorizing the issue of additional bonds for the extension and maintenance of water works in certain cities in this state.

AUTHORIZED TO ISSUE BONDS.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any board of water commissioners in any city of the second class of this state, to issue, in addition to bonds already issued, bonds in the sum not to exceed twenty-five thousand dollars, at a rate of interest to be fixed by said board, not, however, to exceed five per cent.; and the proceeds of the sale of said bonds shall be used for the laying of pipes and for the extension of the works, and for the same objects and purposes generally as is provided by the act creating such board of water commissioners and the acts amendatory thereof.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 13, 1883.

CHAPTER LXXXII.

A Further Supplement to the act entitled "An act to enable cities to supply the inhabitants thereof with pure and wholesome water," approved April twenty-first, anno domino one thousand eight hundred and seventy-six.

CITY ADOPTING PROVISIONS OF ORIGINAL ACT TO TAKE AND HOLD THE RIGHT TO LAY WATER PIPES.

1. Be it enacted *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for any city which may have adopted or shall adopt the provisions of the said act, by the assent of a majority of the legal voters thereof, voting at an election held or to be held in said city, to purchase, take, condemn, hold, use and enjoy, in the manner and for the purposes mentioned and provided in and by the said act, the right and privilege to lay down, repair, replace and forever maintain any water pipe or pipes, in, over, through and across the land of any owner or owners, upon the route and in accordance with the plan of the said city for the supplying of water to the inhabitants thereof, and the proceedings in and for the condemnation of any such right and privilege shall be, as nearly as possible, similiar to the proceedings to be had and taken under the said act in and for the condemnation of any land or water rights which may be required for the purposes thereof, or affected by any operation connected therewith; and any report made or to be made, by any commissioners appointed or to be appointed

under and by virtue of the said act, may be delivered to the court appointing the said commissioners, either at the next term thereof, or at the term in which the said appointment was or shall be made.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 13, 1883.

CHAPTER LXXXIII.

An Act permitting cities and towns to remit and cancel water rates and to allow the free use of water by charitable institutions.

AUTHORITIES MAY REMIT WATER RATES TO CHARITABLE INSTITUTIONS.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any city or town where the supply of water for the use of the inhabitants thereof is under the control of the municipal authorities it shall be lawful for the board, council or other authority having charge thereof in their discretion to cancel and remit any water rate assessed or charge made for the water economically and necessarily used by any hospital, asylum, home for aged women, children's home or other charitable institutions supported and maintained by private benefactions without aid from the public funds.

2. *And be it enacted*, That this act shall take effect immediately.

Passed March 16, 1885.

CHAPTER CXCII.

An Act to enable cities in this state to obtain a supply of water from existing city water works, and to validate certain contracts and obligations heretofore incurred by such cities for that purpose.

CITIES AUTHORIZED TO CONTRACT FOR SUPPLY OF WATER.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any city in this state, not owning or controlling its own water works, by its board of councilmen or other governing body to make and execute a contract or contracts from time to time, with any other city in this state having water works, to obtain a supply of water for public and private use in such first-named city, and all such contracts heretofore entered into between different cities in this state are hereby ratified.

AUTHORIZED TO LAY PIPES AND MAINS IN STREETS, &C.

2. *And be it enacted*, That the board of councilmen or other governing body of any city making such a contract for the supply of water shall have power to lay and maintain all such pipes and mains under the streets and avenues of said city and through private property after obtaining the consent, by purchase or otherwise, of the owners thereof, in said city, to conduct such water to such places in said city as said board may from time to time deem expedient, and for these purposes may make all such contracts and employ all such engineers, servants, workmen and laborers as they may deem necessary, subject, however, to the restrictions hereinafter mentioned.

WORK AND MATERIALS FURNISHED TO BE BY CONTRACT.

3. *And be it enacted*, That the work and materials which the board of councilmen or other governing body are herein authorized to procure shall be obtained by contract, whenever the expenditure for any particular work and materials shall exceed two hundred dollars, and that notice shall be given by public advertisement, so that ample time may be given for the reception of proposals therefor; each contract shall in all cases be awarded to the lowest responsible bidder therefor, who shall give bond with ample security for the faithful performance of the contract; but such board shall have the right to reject all bids and re-advertise for proposals whenever they shall deem such action for the best interests of the city; all contracts involving a greater amount than two hundred dollars, and all contractors' bonds shall be presented to and approved by the governing body of said city before said contract shall take effect.

AUTHORIZED TO FURNISH WATER TO PERSONS AND CORPORATIONS AND ESTABLISH RATES OF PRICE, &C.

4. *And be it enacted*, That said board of council or other governing body of any city heretofore or hereafter contracting for a supply of water as herein provided, shall have authority to furnish water to all persons and corporations within the limits of said city, and from time to time to establish such general rates of price and time of payment thereof as they may deem proper, and to prescribe such rules, regulations, condiiions and restrictions as to the use of water as may, in their opinion, be necessary to prevent abuse; and to erect and supply with water such number of public hydrants and in such places as they shall see fit, and to direct in what manner and for

what purpose the same shall be used ; all which they may change at their discretion ; the said board shall have power, and it shall be their duty, to stop off the water from any premises, the owner or occupants of which shall have neglected to pay such water rents at the time specified for the payment thereof, or shall have violated or permitted the violation of any of their rules, regulations, conditions or restrictions ; and whenever the water supply shall be cut off from any premises for any such cause, the same shall not be turned on until the applicant for such restoration shall have paid all arrearages of water rent, together with the expenses incurred in stopping off the water ; or in case said water supply shall have been cut off for any violation of the rules aforesaid, then the same shall not be restored until the expenses of stopping off the same shall have been paid by the applicant for such restoration and such applicant shall have given satisfactory security or assurance that such violation shall not occur again ; and that all acts heretofore done and performed by such city with reference to the powers specifically granted in this section are hereby ratified.

BOARD MAY FIX PENALTIES FOR NON-PAYMENT OF WATER-RENTS.

5. *And be it enacted*, That said board shall have the power, from time to time, to fix penalties for the non-payment of such water rents from the time they become due, which penalty shall never be less than interest at the rate of seven per centum per annum ; and said water rents, with such penalties added, shall be and remain a lien upon the premises so supplied with water, and said city shall have similar remedies, by sale and otherwise, for the collection of said water rents, with penalties and costs of sale, as it now has or may hereafter acquire for the collection of taxes.

AUTHORIZED TO EMPLOY AND APPOINT OFFICERS.

6. *And be it enacted*, That said governing board shall have power to employ a water purveyor and other subordinate servants for the management of said water system and for the collection and enforcement of said water rents.

BOAD MAY MAKE RULES, &C., FOR TAPPING OF MAINS, INTRODUCTION AND USE OF WATER, AND FIX PENALTIES THEREFORE.

7. *And be it enacted*, That said governing board shall have power to make such by-laws, rules and regulations respecting the manner of tapping the water mains and the introduction of water into houses, tenements, stores, manufactories and other places where the same may be required, and may from time to time regulate the use thereof in such manner as to them may seem necessary and proper, and to fix the penalties to be recovered for breaches or evasions of such rules, which shall not exceed fifty dollars for each offense; and that the members of said board and the servants in their employ are authorized to enter at all reasonable hours any dwelling house, factory or other place where said water is taken or used, or where unnecessary waste thereof is known or suspected, and to examine and inquire the cause thereof, and to examine all service pipes, stop cocks and other apparatus connected with the water supply, or for the purpose of ascertaining whether the same are of the character and dimensions required by the rules and fixed in the manner directed in the permits issued therefor; and if any person or persons shall refuse to permit such examination, or oppose or obstruct such officer in the performance of such duty, he, she or they, so offending, shall be lia-

ble to such penalty, not exceeding twenty dollars for each offense, as the said board may impose, and the supply of water may be shut off from said premises until the required examination is made, and such alterations and repairs are completed as may be found necessary.

BOARD MAY ISSUE BONDS FOR EXTENDING SUPPLY OF WATER, &C.

8. *And be it enacted*, That said city for the purpose of acquiring and extending said supply of water, may from time to time, by a vote of at least three-fourths of the members of said governing board, issue bonds of the city to pay for the expenses of laying pipes, erecting hydrants, and all other expenses incidental to the introduction and use of water in said city in such sums as the board of councilmen or other governing board shall find necessary; said bonds shall be signed by the mayor, sealed with the city seal, and attested by the city clerk, and shall be in such form as said governing board shall fix and determine, and may be either registered or coupon bonds; said bonds shall bear interest at a rate not exceeding five per centum per annum, and shall be made payable at such periods of time as said board shall determine, not exceeding thirty years from the date thereof; that it shall be the duty of the city treasurer of said city to sell said bonds, for the purpose of meeting the payments aforesaid, at not less than their par value; and that all bonds heretofore issued by any city for the purposes aforesaid are hereby ratified and validated to the same extent as if said bonds were issued after the passage and approval of this act.

MONEYS RECEIVED FOR WATER-RENTS, HOW APPLIED.

9. *And be it enacted*, That all moneys received by

such city for water rents and penalties thereon shall be applied, first, to the payment of the water furnished by the city authorities owning and controlling its own water works to the city making the contract therefor as provided in the first section of this act; next, to the payment of the interest on said bonds; next, to the payment of the expenses of repairing and maintaining the water pipes, hydrants and other apparatus distributing the water, and the salaries, wages and incidental expenses of the water department; and the balance, which shall not be less than three per centum of the water bonds then outstanding, shall be applied to the purchase and retirement of said bonds, if the same can be obtained at reasonable rates, or if that cannot be effected, then such balance shall be safely invested by the commissioners of the sinking fund of said city, if any there be, and if none, then by the said governing body, and allowed to remain as a sinking fund, to be applied to the payment of said bonds at maturity.

RECEIPTS INSUFFICIENT TO MEET EXPENSES, &C., DEFICIENCY TO BE RAISED BY TAX.

10. *And be it enacted*, That the board of councilmen or other governing body of such city shall, on or before making up the annual ordinance providing for the tax levy for muncipal purposes, cause a careful estimate to be made of the interest on the water debt and the retirement of three per centum of the water bonds then outstanding, and the cost of purchasing a water supply under said contract, of managing and keeping in repair and operation said water department for the ensuing year, and of any deficiency from former years in said water department, and of the amount likely to be received during the same

year for water rents, and of the deficiency, if any, of such receipts for the payment of such expenditures, and said estimated deficiency said city shall raise by tax as other taxes are assessed, levied and collected; that it shall be the duty of said board of councilmen or other governing body of said city to add to the deficiency so reported five per centum to cover losses and contingencies, and to assess such deficiency so increased upon all the taxable property in said city in the same manner as other taxes are assessed; and said taxes shall be collected by the collector and other officers of said city who are by law required to collect taxes, and if not paid at the time required by law for the payment of other city taxes, shall be collected by warrant and in the same manner as other taxes are collected in said city, and shall be a lien upon the property whereon the same are assessed in like manner.

WORD "CITY" HOW CONSTRUED.

11. *And be it enacted*, That whenever the word city is used in this act, it shall be construed to refer to the city obtaining a water supply, as provided in the first section of this act, except where otherwise stated.

12. *And be it enacted*, That this act shall take effect immediately.

Passed April 22, 1886.

CHAPTER XIII.

An Act to authorize municipal corporations to contract for a supply of water for public uses.

MUNICIPAL CORPORATIONS AUTHORIZED TO CONTRACT FOR SUPPLY OF WATER.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any city, town or borough council or common council, or other governing body of any municipal corporation in this state not owning or controlling any water works to enter into and make a contract or contracts with any adjacent or adjoining municipal corporation, owning or controlling any water works, for a year or term of years, for the obtaining and furnishing a supply of water to be used by and within such municipal corporation for the purpose of extinguishing fires and for such other public uses and purposes as may be found necessary or convenient; and that such municipal corporation to be supplied with water as aforesaid may issue bonds to pay for the expenses of laying mains and pipes, erecting fire-hydrants and all other expenses incidental to the introduction and use of water in said municipal corporation in such sum or sums as the governing body thereof shall find necessary; *provided, however*, that the entire issue of bonds for water purposes shall not exceed the sum of one-thirtieth of the total assessed value of the real estate in such municipal corporation as such rate shall appear by the last regular assessment preceding the issue of such bonds, said bonds to bear interest not exceeding the legal rate and be made payable at such period

of time as the governing body of such municipal corporation may determine, not exceeding thirty years from the date thereof, which bonds may be sold for the best price that can be obtained therefor, but in no case at less than the par value of the same; and that said bonds shall be issued under the corporate seal of such municipal corporation and be signed by the mayor or other head officer and the treasurer or collector or other officer having the custody of the funds of such municipal corporation, which bonds when so issued shall be a lien upon the real and personal estate within the limits of such municipal corporation; and the principal and interest of said bonds shall be raised by tax, at the same time and in the same manner and on the same property as other taxes are raised within such municipal corporation.

MUNICIPALITIES MAY SUPPLY WATER TO INHABITANTS UNDER RULES AND REGULATIONS.

2. *And be it enacted*, That such municipal corporation may supply the water to the inhabitants thereof, upon such terms, and at such rates, and under such rules and regulations as the governing body of the same may determine, and that the money received from the sale of water as aforesaid shall be known as water rents, and after deducting therefrom the sum due under the contract by which the water is supplied to the said municipal corporation, and the sums necessary to defray the expenses of repairs and maintenance of such mains, pipes and fire hydrants, and for the extension of mains and pipes, and erection of additional and necessary fire hydrants, and all other necessary expenses incidental to the introduction and use of the water as aforesaid, the balance or remainder of such water rents, if there be any, shall be applied to the payment of other legitimate municipal expenses.

MUNICIPAL CORPORATIONS OWNING WATER WORKS MAY ENTER INTO CONTRACT FOR SUPPLY OF WATER.

3. *And be it enacted*, That it shall be lawful for any municipal corporation of this state owning or cotrolling any water works, to enter into and make a contract or contracts with any adjacent or adjoining municipal corporation of this state, not owning or controlling any water works, for the supply and distribution of water as in this act mentioned.

ACT NOT TO TAKE EFFECT UNTIL ASSENTED TO BY LEGAL VOTERS.

4. *And be it enacted*, That the provisions of this act shall remain inoperative in any city, town, borough or other municipality, until assented to by a majority of the legal votes cast for or against such measure, at any regular charter or general election to be hereafter held in such city, town, borough or other municipality, of which election the clerk of such city, town, borough or other municipality shall cause public notice of the time and place of holding the same, to be given by advertisements, signed by himself and set up in at least five public places in such city, town, borough or other municipality, and published in one or more newspapers printed therein for at least six days previous to the day of such election, and the ballots provided at such election for the said purpose shall contain either the words "For water bill" or "Against water bill;" and if a majority of the votes cast for or against such measure shall be in its favor, then this act shall go into effect immediately.

5. *And be it enacted*, That all acts and parts of acts inconsistent herewith be and the same are hereby repealed.

Approved March 16, 1887.

CHAPTER CC.

An Act in relation to the power of acqueduct boards having the control of the water-supply in the cities of this state, to issue bonds or borrow money on the credit of the cities wherein such boards exist, to limit the powers heretofore given to such boards and giving the common council or other governing body of such cities powers in relation thereto, and providing for the funding and payment of indebtedness heretofore incurred by such boards.

AQUEDUCT BOARDS TO MAKE ANNUAL STATEMENT OF RECEIPTS AND EXPENDITURES.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That on or before the first day of February in each year, and annually thereafter, every aqueduct board or department having the control of the water supply in the cities of this state, shall make and transmit to the common council or other governing body having the control of the finances of such city, a detailed statement of the estimated receipts and expenditures of such board or department for the current fiscal year; said board shall also forthwith after the passage of this act transmit to the same body a statement of all the bonds issued or loans made by such board, the rate of interest thereon, the dates at which such bonds or loans fall due, and the funds available for the payment thereof, if any.

BOARD TO PAY OVER MONEYS TO CITY COMPTROLLER.

2. *And be it enacted*, That it shall be the duty of

such board to pay over to the comptroller of such city from the revenues of such board, from time to time, so much thereof as may be necessary to meet and pay the interest on bonds issued by such board, or for its use, as the same falls due, and at the close of the fiscal year, or as soon thereafter as received, the balance of moneys remaining in his hands, received from all sources, after payment of the current annual expenses of such board, and all temporary loans made by it during the year as authorized by this act, which moneys shall, while any funded debt incurred by such board or for its use remains unpaid, and not otherwise provided for, be used solely to redeem and pay such funded debt and the interest accruing thereon.

EMPOWERED TO BORROW MONEY IN ANTICIPATION OF RECEIPTS.

3. *And be it enacted*, That such board or department shall hereafter have power to borrow temporarily, in anticipation of estimated receipts for the current year, any sum not exceeding one-half of such estimated receipts; *provided, however*, that in no case shall such loans be made for a longer period than six months, and the same shall in all cases be paid by such board out of the receipts for the current year; all such temporary loans shall be made on certificates of indebtedness to be issued by such board, payable from current receipts as herein provided, and a record shall be kept by such board of all certificates so issued and the payment and redemption thereof.

COMMON COUNCIL MAY RAISE MONEY TO EXTEND WATES MAINS.

4. *And be it enacted*, That for the purpose of enabling such board to extend water mains in the

streets of any such city, the common council or other governing body shall each year, if such board shall require the same, raise for its use for this purpose in the annual tax levy of such city, or by the issuing of bonds for which authority is hereby given, a sum not exceeding twenty thousand dollars, but such ceuncil or other governing body may at its discretion in like manner provide a further sum each year for enlarging, extending or repairing the water works in any such city; *provided*, the sum so raised shall not exceed the sum of fifty thousand dollars; *and provided, further*, that no sum shall be raised by such common council or other governing body, either by taxation or by the issuing of bonds, for the purpose of building or erecting a new system of water works, unless a majority of the legal voters of the city shall have expressed their assent to the erection of such works, and to the amount proposed to be expended therefor.

BONDS, HOW ISSUED.

5. *And be it enacted*, That all bonds hereafter issued in any city, the proceeds of which are to be applied to the use of any such board or department, and all bonds to be issued by such city to refund bonds, heretofore issued by any such board shall be issued only under the authority of the common council or other governing body of such city, and all moneys provided in any such city for the use of such board or department shall be drawn from time to time as needed by such board by warrants to be signed by the president and secretary of the board and countersigned by the mayor and auditor of such city.

PAYMENT AND REDEMPTION OF BONDS, HOW PROVIDED FOR.

6. *And be it enacted*, That for the payment and redemption of all bonds hereafter issued in any such city for the use of such board or department, a sinking fund shall be created by such city, which shall be sufficient to pay the annual interest thereon, and the principal thereof, when such bonds shall fall due; and for this purpose the money received from such board annually shall first be devoted, and such further sum as may be necessary for this purpose shall be annually placed in the tax levy of such city.

PAYMENTS OF INTEREST OF BONDS, HOW PROVIDED FOR, ETC.

7. *And be it enacted*, That any such city shall provide annually in the manner mentioned in the last section for the payment of the interest of all bonds heretofore issued by such board or department; and in case no sinking fund has been provided for the payment of such bonds, such city may, when such bonds shall fall due, refund the same for any period not to exceed thirty years by issuing new bonds for this purpose, and such city, shall, in the manner provided in the last section, also provide a sinking fund for the payment of such re-issued bonds and for the payment of the annual interest thereon.

WHERE COMMISSIONERS OF SINKING FUND EXIST, BONDS TO BE PAID BY THEM, &C.

8. *And be it enacted*, That where, in any such city commissioners of the sinking fund exist, all bonds hereafter issued under the authority of this act, as well as the interest thereon, shall be paid by such

commissioners, and all moneys received by such city, from such board or department, and all moneys raised in the annual tax levy for the purpose of paying interest on such bonds or redeeming the same when due, shall be paid over to the commissioners of the sinking fund for that purpose, and in case any such board or department has under its control any funds set apart for the redemption of bonds issued heretofore by such board or department, such funds and all securities held by such board or department for this purpose shall be transferred to the commissioners of the sinking fund in such city, to be used by them for the payment and redemption of the bonds for which the funds were set apart, and if such funds are not legally applicable to any particular series of bonds, then the same shall be applied by the said commisioners in payment of the first bonds falling due.

HOW LONG BONDS TO RUN, INTEREST, &C.

9. *And be it enacted*, That no bonds issued under the authority of this act shall run for a period exceeding thirty years, nor bear interest at a rate greater than six per centum per annum, nor shall the same be sold, negotiated or disposed of for less than their par value.

WHEN CITY BOARD NOT TO EXERCISE POWER UNDER ACT.

10. *And be it enacted*, That no city board shall exercise any power under this act while the bonded indebtedness of such city exceeds fifteen per centum of its ratables liable to municipal taxation in such city.

11. *And be it enacted*, That all acts and parts of acts inconsistent with this act are hereby repealed, and that this act shall take effect immediately.

Approved March 26, 1888.

CHAPTER CCL.

An Act to authorize any of the municipal corporations of this state to contract for a supply, or a further or other supply of water therefor.

BOARD HAVING CHARGE OF WATER SUPPLY MAY CONTRACT FOR A SUPPLY OF WATER.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the board of aldermen, common council, city council, aqueduct board, board of public works, water commissioners, township committee, town committee or other board, body or department of any municipal corporation in this state, having the charge or control of the water-supply of any such municipal corporation, to make and enter into a contract or agreement with any water company or other company, contractor or contractors, for one year, or for a term of years, for the obtaining and furnishing of a supply, or a further or other supply of water to such municipal corporation, for the purpose of extinguishing fires and for such other lawful uses and purposes as may be deemed necessary or convenient; and any such contract and agreement, when so made, shall be valid and lawful contract of such municipal corporation, as well as of any such water company or other company, contractor or contractors, according to the tenor thereof, and the sum or sums of money in such contract agreed to be paid in each year by any such municipal corporation, or by any board, body or department thereof, or so much thereof as may be necessary, after appropriating to the payment thereof the water rents or proceeds of sales

of water collected by such municipal corporation applicable to that purpose, shall be annually appropriated, levied, assessed and collected as a tax upon the real and personal estates within such municipal corporation and liable to taxation for other municipal purposes, and the said real and personal property is hereby made liable to and for the assessment and collection of such tax; *provided however*, and it is hereby expressly enacted, that no such agreement and contract shall be made for a period longer than twenty-five years in any one term; *and provided further*, that in any municipal corporation having a board of public works and a board of finance and taxation, if the contract and agreement be made and entered into by any such board of public works, it shall not be binding upon such municipal corporation until the same shall have been approved by such board of finance and taxation; *and provided further*, that such contract may contain an option for the acquiring by such municipal corporation of the land, water and water rights for such supply, on terms to be fixed in said contract.

2. *And be it enacted*, That all acts and parts of acts, public, special, local or private, inconsistent herewith, be and the same are hereby repealed, and this act shall be a public act and take effect immediately.

Approved April 2, 1888.

ACTS

RELATING TO

SCHOOLS, EDUCATION

—AND—

PUBLIC LIBRARY.

SCHOOL TRUSTEES.

10. *And be it enacted*, That each of the wards of said city shall, at their annual charter election, elect three trustees of the public schools, in the manner and form that other city officers are elected, and who together shall constitute a board of education, the powers and duties of which board shall be prescribed and defined by general ordinance of the council of said city.

MONEYS TO BE PAID TO TREASURER.

11. *Aad be it enacted*, That all moneys apportioned to the said city by the state, together with all moneys raised by tax for public schools shall be paid to the treasurer of said city.

SCHOOL SUPERINTENDENT ABOLISHED.

12. *And be it enacted*, That the office of school superintendent shall be abolished from and after the first Monday in May, eighteen hundred and sixty-five.

Approved March 21, 1865.

CHAPTER DCXVI.

A further supplement to an act entitled "An act to incorporate the city of Hoboken," approved March twenty-eighth, one thousand eight hundred and fifty-five.

MAY RAISE BY TAX MONEY TO ERECT ADDITIONS TO SCHOOL-HOUSE.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the mayor and council of the city of Hoboken, shall have power by ordinance to raise by general taxation a sum of money not exceeding twelve thousand dollars, for the purpose of erecting suitable additions or wings to school house number three, in said city.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 4, 1873.

CHAPTER CCLXXXIX.

A supplement to an act entitled "An act to incorporate the city of Hoboken," approved March twenty-eighth, one thousand eight hundred and fifty-five.

WHEREAS, in the year one thousand eight hundred and seventy-one, the sum of twenty-five thousand and eighty-one dollars and eighty-one cents was raised by taxation in the city of Hoboken for state and county purposes, over and above the amount lawfully required to be raised in said city for said purposes; and whereas, the said sum of money, excepting ten thousand dollars appropriated to the fire department of said city by an act approved February eighteenth, one thousand eight hundred and seventy-three, remains in the treasury of said city of Hoboken unappropriated.

MAYOR AND COUNCIL EMPOWERED TO APPROPRIATE AND USE CERTAIN MONEY.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That the mayor and council of the city of Hoboken be and they are hereby authorized to appropriate and use so much of said money as may be required to pay for the erection and completion of the wings erected and built to school house number three in said city.

2. *And be it enacted*, That this act shall be deemed a public act, and shall take effect immediately.

Approved March 19, 1874.

CHAPTER CCCCXII.

An act to authorize the mayor and council of the city of Hoboken to issue and sell Hoboken city bonds for the purpose of building a school house in said city, and for other purposes.

MAYOR AND COUNCIL EMPOWERED TO ISSUE BONDS AND TO SELL THE SAME.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the mayor and coun il of the city of Hoboken to issue registered or coupon bonds under the corporate seal of said city and the signature of said mayor for the sum of forty thousand dollars, in such sums and payable at such time or times not exceeding fifteen years, as they may deem expedient, bearing interest at a rate not exceeding seven per centum per annum, payable ssmi-annually, and to pledge the property and credit of said city for the payment of the same; which said bonds it shall be lawful for the said mayor and council, their successors and assigns, to sell and assign, and for any vendee or assignee to purchase and hold; *provided*, that the said bonds shall not be sold by said mayor and council for less than ninety-seven per centum of the value thereof; and that said mayor and council shall give at least ten days notice by advertisement in at least two newspapers to be designated by the council of the time and place at which sealed proposals will be received for the purchase of such bonds, and that such bonds shall be sold to the highest bidder or bidders.

PROCEEDS TO BE APPLIED TO THE ERECTION OF A SCHOOL HOUSE, BELL TOWER, AND THE PURCHASE OF A FIRE BELL.

2. *And be it enacted*, That the net proceeds of the said bonds to an amount not exceeding thirty-two thousand dollars, shall be applied to the payment of the cost of the erection and furnishing of a suitable school house in said city of Hoboken, to be located on the public grounds known as Market square, and the balance of eight thousand dollars or so much thereof as may be necessary for the purpose hereinafter stated may be applied for the erection of a bell tower and purchase of a fire bell for the use of the fire department of said city, and that any unexpended portion of the said sums by this act authorized to be raised, shall be paid into the contingent fund of the city of Hoboken.

PAYMENT OF BONDS AND INTEREST.

3. *And be it enacted*, That the said mayor and council of the city of Hoboken shall have power by ordinance to provide by taxation for the payment of said bonds and the interest thereon.

4. *And be it enacted*, That this act shall be deemed to be a public act, and shall take effect immediately.

Approved April 9, 1875.

CHAPTER CLXXX.

An act concerning cities.

MAY PROVIDE BY ORDINANCE FIXING NEW LOCALITY AND DIRECTING PURCHASE OF LAND AND ERECTING SCHOOL HOUSE THEREON, &C., AND PROVIDE FOR PAYMENT THEREOF.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That wherever the mayor and council of any city in this state has been authorized by an act of the legislature to issue registered or coupon bonds, the net proceeds, or any portion of which, are to be applied to the payment of the cost of the erection and furnishing of a school house in any particular part of said city, such mayor and council are hereby authorized to use such net proceeds of said bonds for the payment of the cost of purchasing land and the erecting of a school house thereon and the furnishing of the same in a locality different from that now authorized by law in such case, and the council or board of aldermen of any such city may pass an ordinance fixing such new locality and directing the purchase of the land and the erecting of a school house thereon and the furnishing of the same, and may in such ordinance provide for the issue of additional registered or coupon bonds to amount equal to the value of any land purchased for such purpose, and may by ordinance provide by taxation for the payment of any such bonds and the interest thereon.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 21, 1876.

CHAPTER LXI.

An act respecting deficiences in appropriations for the payment of teachers' salaries in cities.

BOARD OF FINANCE OR OTHER BOARD AUTHORIZED BY LAW TO MAKE APPROPRIATION SHALL DIRECT PAYMENT TO BE MADE OF TEACHERS' SALARIES.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where in any city containing a board of directors of education or other board having the control and management of the public schools in the said city, the appropriation made for the payment of teachers' salaries shall have been exhausted before the end of the fiscal year for which said appropriation shall have been made, and the teachers notwithstanding said appropriation shall have been exhausted, shall have continued teaching during the balance of said fiscal year without compensation, it shall be lawful for the board of finance and taxation, or such other board as is now directed by law to make the appropriation for the payment of teachers' salaries in such city, to order and direct payment for the whole or such portion of said services as the said board may decide ought in justice to be paid; *provided*, that payment shall not be ordered or directed for more than one month's service as aforesaid; and said board is hereby authorized to borrow, in anticipation of taxes next to be levied in such city, sufficient money to pay for such services of teachers rendered as aforesaid, as the said board may have ordered to be paid, and the

amount thus borrowed shall be put in the tax levy next thereafter.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 8, 1877.

CHAPTER XCVI.

An act respecting reports of boards having the control and management of public schools in cities.

REPORTS TO BE MADE IN THE MONTH NEXT SUCCEEDING TERMINATION OF FISCAL YEAR.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where in any city containing a board of directors of education or other board having the control and management of the public schools in such city, annual reports concerning the condition of the public schools in such city are now required by law to be published in the month of August of each and every year, said reports shall hereafter be made in the month next succeeding the termination of each and every fiscal year of said city, and shall be reports for the said fiscal year terminated immediately preceding the month in which said reports are by this act directed to be published.

2. *And be it enacted*, That all acts and parts of acts inconsistent with this act be and the same are hereby repealed.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 9, 1887.

CHAPER LXXXVI.

An act relating to boards of education in cities.

BOARD OF EDUCATION AUTHORIZED TO PURCHASE WITHOUT ADVERTISING.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That boards of education now prohibited by law from purchasing any article necessary for the schools under their control without advertising for the same, are hereby authorized to purchase, without advertising, to the extent of twenty-five dollars for any one article; *provided*, the same be sanctioned by a majority of the board.

2. *And be it enacted*, That all acts and parts of acts inconsistent with this act be and the same are hereby repealed.

3. *And be enacted*, That this act shall take effect immediately.

Approved March 20, 1878.

CHAPTER CCVII.

An act relative to boards of education in cities.

PRESIDENT OF BOARD OF EDUCATION NOT TO RECEIVE ANY SALARY OR COMPENSATION.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in cities of this state where the office of president of the board of education or board of directors of education exists or is created by any general or special law, such president shall hereafter receive no salary or compensation whatever for performing the duties of such office, but nothing herein contained shall be deemed or taken to effect or take away the salary of the present incumbent of any such office.

2. *And be it enacted*, That all acts and parts of acts inconsistent with this act be and the same are hereby repealed.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 12, 1880.

CHAPTER CXIII.

An Act to authorize the erection of school houses in the cities of this State.

CITIES AUTHORIZED TO PURCHASE LANDS TO ERECT SCHOOL HOUSES.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for any city in this State, from time to time, to purchase lands for the purpose of erecting school houses thereon, and to raise the money required for such purpose by loan on the credit of such city; *provided*, that the total amount of bonds outstanding and unpaid, issued for such purpose, shall not exceed at any one time the sum of fifty thousand dollars; *and further* that said bonds shall not bear more than the legal rate of interest, and shall not be sold at less than par value.

LOANS TO BE AUTHORIZED BY ORDINANCES.

2. *And be it enacted*, That all such loans shall be authorized by an ordinance of the common council or board of aldermen of such city, which ordinance shall distinctly specify and provide the ways and means, exclusive of loans, to pay the principal of said loans and the interest on the same annually, and also the time within which the said bonds shall be paid, which ordinance shall be irrepealable until such debt be paid.

AMOUNT OF BONDS HERETOFORE ISSUED FOR PURCHASE OF LANDS AND ERECTING OF SCHOOL HOUSES INCLUDED WITHIN THE AMOUNT AUTHORIZED BY THIS ACT.

3. *And be it enacted*, That when in any city of this State, loans have heretofore been made for the purpose of purchasing lands and erecting school houses thereon, and the bonds issued for such purpose are still outstanding and unpaid, the amount of the bonds so issued shall be included within the amount authorized to be issued by this act, and nothing in this act shall be taken or constrbed as authorizing the issuing of bonds to a greater amount at any one time, than the sum of fifty thousand dollars, for the purposes aforesaid.

Approved March 22, 1882.

CHAPTER CLXXIX.

An act to authorize the construction of school houses in cities of this state.

CITY AUTHORITIES AUTHORIZED TO PURCHASE LANDS AND TO ERECT SCHOOL HOUSES.

1. BE IF ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the corporate authorities of the cities of this state, upon request by the board of education, or other body having the charge of the public schools in such city, to purchase lands and to erect school houses thereon, and to furnish the same, from time to time, as the increase of population in any such city may demand; *provided, however*, that the expense incurred in any one instance shall not exceed forty thousand dollars; *provided, further*, that where the charter of any city, or any supplement or supplements thereto, provides a limit of annual expenditure for permanent improvements, nothing in this act shall authorize expenditure in excess of such limit.

FUNDS FOR THE PURCHASE OF LANDS AND ERECTING BUILDINGS, HOW RAISED AND APPLIED.

2. *And be it enacted*, That, to raise the funds for the purposes aforesaid, the corporate authorities of such city shall have power to raise money by temporary loans for a term not exceeding three years; and to meet such loan they shall include in the next annual tax levy one-third, at least, of the amount of such temporary loan, with interest thereon, and in

the second succeeding annual tax levy they shall include at least one-third of such amount, with interest thereon, and in the third succeeding tax levy they shall raise any balance unpaid, with interest; and as fast as such moneys shall come into the treasury of such city they shall be applied to pay such temporary loan; and such loan shall be so obtained that it can be paid by instalments, with interest payable semi-annually.

TEMPORARY LOAN BONDS MAY BE ISSUED.

3. *And be it enacted*, That, to secure such temporary loan, the corporate authorities may authorize the issue of temporary loan bonds or scrip, which shall bear such interest as may be agreed upon, not exceeding the legal rate, to an amount not exceeding the expenditure to be incurred in any one instance; *provided however*, that no bonds shall be issued in excess of ten per centum of the assessed valuation of such city.

TEMPORARY BONDS ISSUED MAY BE TAKEN FOR THE SINKING FUND, &C.

4. *And be it enacted*, That such temporary bonds or scrip may be taken for the sinking fund of any such city if the authorities having charge of such sinking funds shall so elect, and if such bonds can be so taken it shall be the duty of such authorities to so take them, and the money raised by taxation for payment of the principal and interest shall then be paid into the sinking fund.

5. *And be it enacted*, That this act shall take effect immediately.

Approved March 31, 1882.

CHAPTER LXXI.

A further supplement to an act entitled "An act to establish a system of public instruction," approved March twenty-seventh, one thousand eight hundred and seventy-four.

SECTION AMENDED.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section fifty of the act to which this a supplement be amended so as to read as follows :

CITY BOARD OF EXAMINERS MAY BE APPOINTED IN CERTAIN CITIES.

[50. *And be it enacted*, That in every city having a board of education governed by special laws, there may be a city board of examiners to consist of such members as said board of education of that city may appoint; said examiners shall have power, subject to such rules and regulations as may be prescribed by the city board of education, to grant certificates of qualification, which shall be valid for all schools of that city; and no teacher shall be employed in any of the schools of that city unless possessing such certificate, or a state certificate, nor in any school of a higher grade than that for which said certificate represents the holder to be qualified; any city board of examiners may recognize the certificates of any other city, and without examination issue to the holders certificates of a corresponding grade.]

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 11, 1885.

CHAPTER CLI.

An Act to provide for boards of education in the cities of this state.

BOARDS OF EDUCATION IN CITIES, HOW CONSTITUTED AND APPOINTED.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That on and after the first Monday in May after this act shall have been accepted by any city in this state as hereinafter provided, all powers and duties vested in or devolving on the board having charge of the public schools of said city previous to the said first Monday in May shall be vested in and devolve on a board to be designated a board of education, to consist of one member from each aldermanic district or ward in said city and one at large, said members to be appointed by the mayor, and the board previously having charge of the schools of such city shall thereupon cease to exist, and the terms of its members and of its clerk shall expire.

TERM OF OFFICE OF MEMBERS FIRST APPOINTED.

2. *And be it enacted*, That in making the first appointments to said board of education the mayor shall appoint as nearly as possible, one-half of the members for two years and the remaining members for one year, and thereafter each member shall be appointed and shall serve for two years and until his successor is appointed, unless removed by the mayor.

NOT MORE THAN MAJORITY TO BE OF SAME POLITICAL PARTY.

3. *And be it enacted*, That no more than a majority of the members of said board of education shall belong to the same political party.

MAYOR EMPOWERED TO MAKE REMOVALS.

4. *And be it enacted*, That the mayor shall at any time have the power to remove any member of said board of education for cause; *provided*, that the member to be removed shall receive two weeks' notice of such removal, with a written copy of the charges and cause, and on his formal demand, shall be entitled to a public hearing before the mayor.

ACT MAY BE SUBMITTED TO VOTERS OF CITY FOR ACCEPTANCE OR REJECTION.

5. *And be it enacted*, That the board of aldermen or common council of any city may, by resolution, submit the question of the acceptance or rejection of this act to the voters of said city, at the first charter election held after the approval of this act, and, if a majority of those who shall vote for the acceptance or rejection of the act shall vote for its acceptance, then this act shall go into effect immediately, and shall be deemed to be accepted by such city, and such city shall be bound by the terms of this act; persons entitled to vote at such election shall express their acceptance or rejection of this act by depositing their ballots in the box provided for depositing ballots at such election in the election precincts or wards of such city, and those who are in favor of the acceptance of this act, shall each deposit a ballot containing the words "board of education act accepted" written or printed thereon, and

those who are opposed shall each deposit a ballot with the words "board of education act rejected" written or printed thereon; and this acceptance or rejection may be written or printed upon the ballot on which are the names, the state, county, city, district or ward officers, and no separate ballot shall be required for the purpose of this vote; there shall be a canvass, on the return of the votes, upon this question of such acceptance or rejection, made by the election officers in the same way and manner as for officers voted for at any general or charter election; and if a majority of the ballots on which there shall be either the words "board of education act accepted," or "board of education act rejected" shall be found to be for the acceptance of this act, it shall then go into effect and be binding upon such city wherein such vote shall have been taken.

6. *And be it enacted*, That all acts and parts of acts, general and special, inconsistent with this act, be and the same are hereby repealed, and this act shall take effect immediately.

Approved April 1, 1885.

CHAPTER CLXXII.

An Act to authorize cities to increase the limit of the annual expenditure for current expenses for public schools.

AMOUNT AUTHORIZED FOR CURRENT EXPENSES OF PUBLIC SCHOOLS.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, that it shall be lawful for any city in this state to raise, by taxation, and expend for the purposes of current expenses of the department of public instruction for any fiscal year, an amount which, together with the state appropriation for schools, shall equal fifteen dollars per scholar on the average number reported as enrolled in the public schools of such city in the last preceding year; *provided*, that this act shall not be construed so as to decrease the limit of expenditure for the purposes aforesaid in any city where by present law the limit is more than fifteen dollars or where there is no limit.

2. *And be it enacted*, That all acts and parts of acts, general and special, inconsistent with the provisions of this act, be and the same are hereby repealed, and this act shall take effect immediately.

Approved April 16, 1886.

CHAPTER CXXXV.

An act to enable cities to purchase lands, erect, furnish and fit up a building or buildings for public school purposes.

CITIES AUTHORIZED TO BORROW MONEY FOR PURCHASE OF LAND AND ERECT SCHOOL BUILDINGS, MAY ISSUE BONDS.

1. Be it enacted *by the Senate and General Assembly of the State of New Jersey*, That the common council or other legislative body of any city of this state shall have power to borrow any sum or sums of money, not exceeding in the aggregate the sum of thirty thousand dollars, to be used for the purchase of land and the erection, furnishing and fitting up of a building or buildings for public school purposes in said city; and that the said common council or other legislative body of said city may secure the repayment of the said sum or sums so borrowed, together with interest thereon at a rate not to exceed five per centum per annum, in such manner and upon such terms as to the said common council or other legislative body may seem proper, by the issuing of bonds in the corporate name of said city, to be signed by the mayor or other chief executive officer of said city and contersigned by the city clerk or other person performing the duties of recording officer for the said common council or other legislative body, as the case may be, and sealed with the common seal of said city; *provided*, that in cities having a board of education or other board having control of the public schools than the common council, the purchase

of land, erection, furnishing and fitting up of a school house or school houses with the money so borrowed shall be made in the same manner as heretofore provided by law for the city borrowing money by virtue of this act.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 20, 1887.

CHAPTER CLXI.

An Act to enable cities to borrow money for the purpose of paying for schools already erected or in process of erection, and to issue bonds for the same, and to take up bonds already issued in payment or part payment for the same.

CITIES AUTHORIZED TO ISSUE BONDS FOR PAYMENT OF CONSTRUCTION OF SCHOOL HOUSES.

1. Be it enacted *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the mayor and common council or board of aldermen or other governing body of any city in this state in which any public school house is now in process of erection or already erected, to issue coupon bonds for the payment of the total cost of the construction and furnishing of said school houses, bearing interest at a rate not to exceed five per centum per annum, payable semi-annually; *provided*, the total cost of such school buildings and the furnishing thereof shall not exceed the sum of forty-five thousand dollars.

BONDS HOW ISSUED AND WHEN PAYABLE.

2. *And be it enacted*, That said bonds shall be issued under the corporate seal of said city and the signature of its mayor, and shall be payable at such times, not to exceed thirty years from the date of issue, as may be deemed expedient, and shall be issued in such sums as the said council, board of aldermen or other governing body may deem proper.

BONDS NOT TO BE SOLD LESS THAN PAR. PROPOSALS FOR PURCHASE OF BONDS TO BE ADVERTISED.

3. *And be it enacted*, That said bonds shall not be sold for less than par value, and that said council, board of aldermen or other governing body shall give public notice by advertisement in at least two newspapers of the time and place at which sealed proposals will be received for the purchase of said bonds, and that said bonds shall, at the time so fixed, be sold to the highest bidder.

PROCEEDS OF SALE OF BONDS HOW APPLIED.

4. *And be it enacted*, That the proceeds realized from the sale of said bonds shall be used for the payment of the construction and furnishing of such public school buildings and no other purpose, and that said council, board of aldermen or other governing body shall have power by ordinance to provide for the payment and redemption of such bonds and interest as the same shall become due, and shall also have power to issue said bonds to holders of other bonds, issued prior to the passage of this act, in payment or part payment of the construction of such school-houses; *provided*, nothing in this act contained shall enable any such council, board of aldermen or other governing body of such city to issue bonds for such purpose in excess of said sum of forty-five thousand dollars.

Approved April 21, 1887.

CHAPTER CCXXXVII.

An act to authorize the purchase of lands and the erection of school houses thereon, in cities of the second class.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for any city of the second class in this state, from time, to time to purchase lands for school purposes and to erect school houses thereon, and to raise the money required for such purposes on the credit of such city by the sale of its bonds; *provided* that the total amount of the outstanding and unpaid bonds issued by any such city for school purposes, under any general, public, special or local law or laws whatever, shall not at any one time exceed the sum of fifteen dollars for each child between five and eighteen years of age, within such city as shown by the last school census of such city.

2. *And be it enacted*, That said bonds shall bear interest at a rate not exceeding five per centum per annum, shall not be sold below their par value, and shall be made payable in not more than twenty years.

3. *And be it enacted*, That before any moneys shall be raised under the provisions of this act authority therefor shall be given by an ordinance of the comman council, board of aldermen or other governing body of the city desiring to raise moneys for the purposes aforesaid, which shall distinctly specify

and provide the ways and means of paying the principal of said bonds and the interest thereon, and also the time within which said principal shall be paid, and when the interest thereon shall be paid.

4. *And be it enacted*, That this act shall take effect immediately.

Approved June 3, 1890.

CHAPTER LXXXII.

An Act to enable cities to borrow money on temporary loans in anticipation of moneys received from the state.

POWER TO BORROW MONEY ON TEMPORARY LOANS IN ANTICIPATION OF MONEYS TO BE RECEIVED,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever it has become or may become necessary in any of the cities of this state to use the whole or any part of the appropriation annually made by the state for the support of public schools therein, before the same has been actually paid over by the state to such city, it shall and may be lawful for such city to borrow on temporary loans, in anticipation of such receipt, the whole or any part thereof; *provided*, the amount so borrowed shall not exceed in any one year the amount so apportioned.

OUTSTANDING LOANS TO BE DISCHARGED WHEN MONEY IS RECEIVED.

2. *And be it enacted*, That it shall be the duty of such city to pay off and discharge all such loans outstanding when such money so anticipated is received.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 30, 1889.

CHAPTER LIII.

An act to provide for the building of school houses in cities of the second class in this state where land has been dedicated for that purpose.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever in any city of the second class in this state land has been donated or dedicated by the owner of the fee thereof to such city for the purpose of erecting thereon public school buildings, the common council, board of aldermen or other body having the control of the building of such schools shall have power to erect upon the lands so dedicated a building for school purposes not to exceed in cost the sum of one hundred thousand dollars.

2. *And be it enacted*, That for the purpose of defraying the cost and expense of the erection of said school buildings, it shall be lawful for the common council, board of aldermen or other governing body of such city having control of the finances of said city to cause to be issued, under the hand of the mayor and the seal of the common council of said city, coupon or registered bonds to an amount not exceeding one hundred thousand dollars payable in not less than twenty years from the date of issue thereof, bearing interest at a rate not to exceed four per centum per annum, pledging the faith and credit of said city for the payment thereof, with interest, which bonds shall be sold by said city to the highest

bidder, after published proposals to that effect in one or more newspapers printed and published in said city.

3. *And be it enacted*, That the proceeds realized from the sale of said bonds shall be used for the payment of the construction and furnishing of such public school building, and for no other purpose, and that the said common council, board of aldermen or other governing body of such city shall provide by ordinance for the payment and redemption of such bonds and interest by causing to be inserted in the tax levy of each year such per centum on the gross value of real estate in said city as they may deem expedient for the assessor of said city to assess, to be applied to a sinking fund, which shall be created for the purpose of meeting and retiring the said bonds as they shall fall due.

4. *And be it enacted*, That all acts or parts of acts inconsistent herewith be and the same are hereby repealed, and that this act shall go into effect immediately.

Approved March 18, 1890.

CHAPTER CCLXXVI.

An Act to enable boards of education of cities of the second class to appoint city superintendents of schools,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any board of education of cities of the second class in this state shall have power to appoint a person of suitable attainments to be city superintendent of schools, define his duties, and fix his term of office, not to exceed three years, and his compensation, which shall not be changed during his term of office.

2. *And be it enacted*, That the city superintendent of schools shall hold office for the said term, and until his successor is appointed, subject to removal by the board of education on complaint for cause stated.

3. *And be it enacted*, That this act shall take effect immediately.

Approved June 13, 1890.

PUBLIC LIBRARY.

CHAPTER LIV.

An Act for the encouragement of free libraries in cities.

FREE LIBRARY MAY BE TRANSFERRED TO PUBLIC LIBRARY IN CERTAIN CITIES.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cities in which a public library, lyceum and reading room association now exists, incorporated under and in pursuance of an act entitled "An act to incorporate associations for the establishment of lyceums, libraries and literary and scientific societies," (Revision), approved April ninth, one thousand eight hundred and seventy-five, and the supplements thereto, the common council, board of aldermen, board of education or other municipal body having control of a free library established and maintained from public moneys, shall have, and such board or municipal body is hereby given power to lend and transfer without receiving compensation therefor, such free library to such public library, lyceum and reading room association, for such time and upon such provisions for its safety as may be agreed upon between such board or municipal body and such public library, lyceum and reading room association, and during the said time said board or municipal body shall pay to such public library, lyceum and reading room association, any sum or sums of money that such boards or municipal body may be em-

powered to appropriate and expend for the establishment and maintenance of a free library, provided the powers hereby given shall not be exercised unless the by-laws of such public library, lyceum and reading room association shall during said last mentioned time, make the mayor of such city and the presiding officer of such board or municipal body and the superintendent of the public schools of said city, ex-officio trustrees of such library, lyceum and reading room association, and also make provision for keeping open such free library and the library and reading room of such association in some convenient place for the free use of the teachers and pupils of the public schools and citizens of such city, subject to such rules and restrictions as the trustees, ex-officio and otherwise, of such association may from time to time deem necessary or advisable.

2. *And be it enacted*, That this act shall take effect immediately.

Passed March 18, 1884.

CHAPTER LXXVIII.

An Act to authorize the establishment of free public libraries in cities of this state.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That any city within this state be, and it is hereby authorized, in the manner hereinafter provided, to establish a free public library within its corporate limits.

2. *And be it enacted*, That the provisions of this act shall remain inoperative in any city in this state until assented to by a majority of the legal electors thereof, voting at an election at the time fixed by law for the election of municipal officers therein to be held in said city next after this act shall take effect, of which election the city clerk of said city shall cause public notice of the time and place of holding the same, to be given by advertisement signed by himself and set up in at least five public places in said city for at least ten days previous to the day of such election, and published in one or more newspapers printed therein for at least ten days previous to the day of such election; the ballots used at such election shall be printed or written or partly printed and written, and the same may be printed or written on the general ballots used at such election, on which may be either the words "the adoption for this city of the provisions of an act entitled An act to authorize the establishment of the free public libraries in cities in this state or against the adoption for this city of the provisions of an act entitled "An Act to authorize the establishment of free public libraries in the cities of this state;" the election officers of said city

shall return to the canvassing board of the same a true and correct statement in writing, under their hands of the result of said election, the same to be entered at large upon the minutes of said body.

3. *And be it enacted*, That if a majority of all the ballots cast at such election in any city shall be for the adoption for this city of the provisions of an act entitled "An Act to authorize the establishment of free public libraries in the cities of this state," it shall become the duty of the appropriate board of said city annually thereafter to appropriate and raise by tax in the same manner as other city taxes are assessed, levied and collected in said city a sum equal to one-third of a mill on every dollar of assessable property returned by the assessors of said city for the purpose of taxation in such city, which sum, when so appropriated, shall be used for no other purpose than that of a free public library, and shall be paid by the disbursing officer of such city to the treasurer of the board of trustees of the free public library as hereinafter provided.

4. *And be it enacted*, That a board of trustees of the free public library shall be immediately formed in any city when a majority of the votes cast shallb e "for the adoption for this city of the provisions of an act entitled 'An Act to authorize the establishment of free public libraries in the cities of this state,'" consisting of seven members, one of whom shall be the mayor of such city ex officio, and one the superintendent of public instruction therein ex officio, or president of the board of education in case no office of superintendent exists, and five to be appointed by the mayor of the city from among the citizens of the same city, to serve for the terms of one, two, three, four and five years respectively; and upon the expiration of the term of office of any trus-

tee the mayor of the said city shall appoint to the vacancy for a term of five years.

5. *And be it enacted*, That the board of trustees shall be a body corporate under the uame of the trustees of the free public library, of the city of naming the city wherein said library shall be established, with corporate powers of succession, to sue and be sued, and to adopt a corporate seal; such board shall meet at some convenient time and place in such city within ten days from the time of their appointment; they shall immediately proceed to organize by the election of one of their members to be the president, and one to be treasurer of the board; they shall also make and execute under their hands and seals a certificate setting forth their appointment, their organization and the names of the officers elect and appointed, which certificate shall be acknowledged in the same manner that conveyances of real estate are required to be acknowledged, and recorded in the clerk's office of the county in which such city is located; they shall also cause a certified copy of such certificate to be filed in the office of the secretary of state, but shall not be required to pay any fee for such recording and filing; the said certificate or a copy thereof, duly certified by said clerk or secretary, shall be evidence in all courts and places of the incorporation of said board; the treasurer shall give bonds in an amount to be fixed by the board of aldermen of said city, payable to the said city by its corporate name, conditioned for the faithful performance and discharge of his duties; the said board shall, by its treasurer, upon its warrant signed by its president, receive of the disbursing officer of such city the money raised by taxation for library purposes as is provided in section three of this act; it shall hold in trust and manage all the property of

said library; it shall have power to rent rooms or when proper to construct buildings for the use of said library, to purchase books, pamphlets, documents, papers and other reading matter; to hire librarians and other necessary servants and to fix their salaries; to make proper rules and regulations for the government of said library, and generally to do all things necessary and proper for the establishment and maintenance of the free public library in such city.

6. *And be it enacted*, That the said board of trustees shall receive no compensation for their services and shall never incur any expense or enter into any obligations in excess of the annual appropriation for library purposes and of its funds on hand.

7. *And be it enacted*, That the said board of trustees shall annually make a report of their transactions, accounts and the state and condition of said library to the board of aldermen or common council of said city.

8. *And be it enacted*, That the said board of trustees may have and receive, hold and manage any devise, bequest or donation heretofore made or hereafter to be madeand given for the establishment, increase or maintenances of a free public library within their city.

Passed April 1st, 1884.

CHAPTER CXV.

An Act to amend an act entitled "An act to authorize the establishment of free public libraries in the cities of this state," passed April first, one thousand eight hundred and eighty-four.

SECTION AMENDED.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section two of the act to which this is an amendment be amended to read as follows:

VACANCIES IN OFFICE OF TRUSTEES HOW FILLED.

2. *And be it enacted*, That vacancies happening in the office of trustee of any public library established under the aforesaid act from any cause except expiration of the term of office, shall be filled in the manner provided in said act for the original appointment of trustees, but for the unexpired term only.

PROVISIONS OF ACT INOPERATIVE UNTIL ASSENTED BY LEGAL VOTERS.

3. *And be it enacted*, That the provisions of this act shall remain inoperative in any city in this state until assented to by a majority of the legal voters thereof voting on this act at an election, at which the question of its adoption shall be submitted to a vote by direction of the legislative body of such city, either at the time fixed by law for the election of municipal officers or at a special election to be held for that purpose, of the time and place of holding which election the city clerk of said city shall cause

public notice to be given by advertisements signed by himself and set up in at least five public places in said city for at least ten days previous to the day of such election and published for the same period in two newspapers of such city; the ballots used at such election shall be printed or written or partly printed or written, and the same may be printed or written on the general ballots used at such election, on which may be either the words "for the adoption for this city of the provisions of an act entitled 'An act to authorize the establishment of free public libraries in the cities of this state,'" or "against the adoption for this city of the provisions of an act entitled 'An act to authorize the establishment of free public libraries in the cities of this state;'" the election officers of said city shall return to the canvassing board of the same a true and correct statement in writing under their hands the result of said election, the same to be entered at large upon the minutes of said body.

4. *And be it enacted*, That this act shall take effect immediately.

Approved April 8, 1887.

CHAPTER CCLXI.

A Supplement to an act entitled "An act to authorize the establishment of a free public library in the cities of this state," passed April first, one thousand eight hundred and eighty-four.

LAWFUL TO SUBMIT QUESTION OF ADOPTION OF PROVISIONS OF ACT TO VOTERS OF CITY.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the legislative body of any city of this state to submit the question of the adoption of the provisions of the act to which this is a supplement, to a vote of the people of such city, either at the time fixed by law for the election of municipal officers, or at a special election to be held for that purpose, in the same manner provided for in the act to which this is a supplement, and to provide for the holding of such an election, and canvass the returns thereof, in the manner directed by said act, notwithstanding the fact that such city may, at an election heretofore held, have voted against the adoption, for said city, of the provisions of the said original act; and in case of the adoption of the provisions of said act a library shall be established in such city, in the same manner that it would have been established had the said act been adopted at a former election.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 2, 1888.

CHAPTER XLIV.

A Supplement to an act entitled "An act to authorize the establishment of free public libraries in the cities of this state," passed April first, one thousand eight hundred and eighty-four.

PUBLIC BOARDS MAY TRANSFER CONTROL OF FREE PUBLIC LIBRARIES.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any public board in any city wherein there is a free public library, or any department of the government of said city having under its control a library or collection of books useful for such public library, may transfer the control or property of said books to the trustees of a free public library, established under the act of which this is a supplement, for use therein; and any such board or department so transferring its books or library shall be relieved from further responsibility for the care or custody of or property in said books or library; and said trustees of said free public library shall hold and keep said books or library as if originally purchased by them.

2. *And be it enacted*, That all acts and parts of acts inconsistent herewith be and the same are hereby repealed.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 19, 1889.

CHAPTER LI.

Supplement to an act entitled "An act to authorize the establishment of free public libraries in the cities of this state," passed April first, one thousand eight hundred and eighty-four.

WHAT MAY BE PLACED ON TICKETS AT ELECTIONS.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That at any election for municipal officers in any city of this state or at any special election, the voters may place on their ticket, in addition to the officers to be elected thereat, the words "for a public library" or "against a public library," and if there should be at such election more votes cast "for a public library" than "against a public library," then in such city there shall be thereafter established a free public library under the provisions of the act to which this is a supplement, and all the provisions of said act and supplements, except as herein altered, shall apply to said city and the public library so established therein by this act and the acts to which this is a supplement.

2. *And be it enacted*, That all acts and parts of acts inconsistent herewith be and the same are hereby repealed.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 19, 1889.

ACTS

RELATING TO THE

POLICE DEPARTMENT,

POLICE COMMISSIONERS

—AND—

RECORDER.

CHAPTER CCXXXVI.

A further supplement to "An act to incorporate the city of Hoboken," approved March twenty-eighth, eighteen hundred and fifty-five.

RECORDER TO BE ELECTED.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That hereafter, and until otherwise provided by law, there shall be elected in and for the said city of Hoboken, a recorder, who shall hold his office for three years, and who shall receive for his pay and compensation eight hundred dollars per annum, payable in quarterly payments.

2. *And be it enacted*, That the said recorder shall have such powers and authority in the said city of Hoboken, as now conferred by law upon the recorder in Jersey City.*

POLICEMEN AND THEIR DUTIES.

3. *And be it enacted*, That hereafter the council

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* See Pamphlet Laws of 1851, Page 398.

"The recorder shall have all powers in criminal matters that justices of the peace in and for the several counties of the State, now have and shall have like powers as are given to the mayor to cause to be arrested and committed, without process, any person guilty, or that he may have reason to believe guilty, of any crime or misdemeanor or breach of the peace, and to try all causes and complaints arising from the violation of any city ordinance."

"*And be it enacted*, That the recorder of said city in addition to the powers heretofore conferred on him, is hereby empowered to inflict such fines, not exceeding the sum of ten dollars, on such persons as shall be brought before him and charged with vagrancy, disorderly conduct, breach of the peace, or any other light offence, or in his discretion to order such persons committed to the county jail or workhouse for any period not exceeding sixty days."

See Pamphlet Laws of 1864, Page 713.

may appoint such number of policeman as they may deem necessary, not exceeding in all twenty-five, and the policemen in said city are hereby authorized and empowered to serve all process issued by said recorder, and to convey prisoners to the county jail and to serve all criminal process within the limits of the said city, issued by justices of the peace, but such policemen shall not be entitled to receive for such service any additional compensation, other than his regular monthly salary, except the money actually expended in the conveyance of prisoners to the county jail.

COMPENSATION OF COUNCILMEN.

4. *And be it enacted*, That each of the councilmen hereafter elected in said city, shall receive for his pay and compensation, the sum of two hundred dollars per annum, payable in equal quarterly payments.

COMPENSATION OF CLERK, &C.

5. *And be it enacted*, That the city clerk, the city treasurer, and the collector of taxes in said city, hereaftar elected, shall receive for their pay and compensation the following sums of money per annum: the city clerk, one thousand dollars, the city treasurer and collector of taxes, five hundred dollars each.

6. *And be it enacted*, That section sixteen of the act to which this is a supplement, be amended by striking out the words "justice of the peace," wherever they occur in said section, and inserting the word "recorder" in their stead.

DEFENDANTS TO ENTER INTO RECOGNIZANCE.

7. *And be it enacted*, That upon the return of any

writs issued by the said recorder, if the same shall be in the nature of a warrant, and the said recorder shall see fit to adjourn the hearing of the charge made and so orders, then the said defendant or defendants named in the said warrant shall enter into recognizance, as near as may be in the manner directed in courts for the trial of small causes in the amount of the penalty named in the process, with such surety as may be approved by the recorder, unto the mayor and council of the city of Hoboken, for his appearance on the day to which said hearing may be adjourned; and in default of his appearance, the said recognizance may be collected in the same manner as the same might have been, had the said recognizance been taken in a proceeding in courts for the trial of small causes.

BREACH OF ORDINANCE.

8. *And be it enacted*, That whenever the mayor and council of said city shall, by resolution, require any person or persons to be prosecuted for the breach of any of the ordinances of the said city it shall be the duty of the said recorder to issue process as in other cases against such person or persons without any oath, affirmation or affidavit being made that such person or persons has or have been guilty of a violation of such ordinances; *provided* that such resolution shall specify the name or names of such person or persons, and the ordinances which he or they has or have been guilty of violating.

JUSTICES OF THE PEACE.

9. *And be it enacted*, That until the first Monday in May, eighteen hundred and sixty-five, the justices of the peace in said city shall be vested with the

same powers they now possess by virtue of the provisions of the act to which this is a supplement.

STREET COMMISSIONERS, &C.

13. *And be it enacted*, That the street commissioner, overseer of the poor, collector of the arrears of taxes, and one assessor for each ward, shall be appointed by the council of said city, and that so much of sections three and four of the act to which this is a supplement as provides for the election of these officers, be and the same is hereby repealed.

POWERS OF COUNCIL.

14. *And be it enacted* That the council of the City of Hoboken shall have power and authority, and they are hereby authorized to raise by general ordinance such sum or sums of money as may from time to time be assessed upon or charged to any of the public squares, or other public property belonging to the said city or to any part or portion of the same, for the regulating, improving, paving or flagging any street or streets in said city, or for building sewers or drains under any such street or streets, and that such sum or sums of money, when lawfully assessed to such public squares or property, or any part of the same, shall be included in the next general tax ordinance for the raising and collecting the annual taxes for said city; and the same shall be assessed, collected and raised as other taxes in said city are assessed, collected and raised; *provided* that all such sums of money shall be assessed upon all the real estate in said city, and not on goods and chattels.

MAY BORROW MONEY.

15. *And be it enacted*, That the council shall have

power to borrow a sum of money not exceeding two thousand dollars, to enable them to pay the assessment made against the public square on the westerly side of Garden street, between Fourth and Fifth streets, for certain street improvements already completed, until the same can be raised and collected in the manner herein provided.

MAY APPROPRIATE MONEY FROM CONTINGENT FUND.

16. *And be it enacted*, That the said council shall have power to appropriate from the contingent fund of said city, a sum of money not exceeding one thousand dollars, for the purpose of paying such compensation as they shall deem just to those members of the council whose time has been employed in discharging any of the duties connected with furnishing men for filling the quotas of said city under the respective calls of the President of the United States, or with the raising of moneys or means therefor.

ASSESSMENTS TO BE MADE.

17. *And be it enacted*, That the several amounts hereby authorized to be paid, shall be assessed by the assessor of said city, in addition to the amounts now authorized by law, and in the same manner as other taxes are now assessed, except those for improvements of streets and building of sewers, which shall be assed on the real estate only.

18. *And be it enacted*, That this act shall be deemed a public act and take effect immediately, and that so much of the act to which this is a supplement and all other supplements thereto, inconsistent with the provisions of this act, be and the same are hereby repealed.

Approved March 21, 1865.

ACTS OF RECORDER CONFIRMED.

2. *And be it enacted*, That the appointment of James Pope as recorder of said city, by the council thereof, to fill the vacancy occasioned by the death of George S. Avery, and all the acts done by him by virtue of his appointment to said office, are hereby confirmed and ratified and made as valid and effectual in law as if said council were expressly authorized by law to make said appointment at the time when the same was made.

DUTIES OF POLICE.

3. *And be it enacted*, That any policemon of said city seeing any person or persons violating any ordinance of said city may at once without summons or warrant, arrest said person or persons, and take him or them before the recorder of said city, who shall thereupon take the oath or affirmation of said officer, and thereafter proceed as if said person or persons had been brought before said recorder by a warrant regularly issued by him for a violation of any ordinance of said city.

Approved April 6th, 1868.

CHAPTER CCCCLXXXIV.

A further supplement to "An act to incorporate the city of Hoboken," approved March twenty-eighth, eighteen hundred and fifty-five.

POLICE COMMISSIONERS.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the powers and duties connected with and incident to the police government and discipline of the city of Hoboken shall be as hereafter specially provided, vested in and exercised by a board of police commissioners, officers of police, and such number of policemen as the said police commissioners may appoint, not exceeding the number of thirty-five.

TERM OF SERVICE TO BE DETERMINED BY LOT.

2. *And be it enacted*, That the said board of police commissioners shall consist of the mayor of said city of Hoboken, for the time being, August Bente, William H. Child, William P. Judge and John E. McWhorter; which said persons, other than the mayor, shall at their first meeting determine by lot which one of their number shall serve until the first Monday in May, eighteen hundred and seventy-one, which one for one year thereafter, which one for two years thereafter, and which one for three years thereafter, and the mayor of the said city, by and with the advice and consent of the common council shall thereafter fill all vacancies for any unexpired term, and appoint a number for a full term of four

years within one month of the expiration of any member's term of office, and at the expiration of each term the full term succeeding shall be for four years, and the said commissioners shall receive no pay or compensation for their services.

COMMISSIONERS TO TAKE OATH.

3. *And be it enacted*, That on or before the first Monday in May, eighteen hundred and seventy, each of the said members of the said board, other than the mayor, shall take an oath, to be administered by the city clerk of the said city of Hoboken, to faithfully and impartially discharge and perform all the duties of such member of said board, which said affidavits shall be filed in the office of the said city clerk, upon the filing of which the said member or members shall be fully qualified to enter upon the duties of the said office, and the said board shall enter upon and discharge the duties of said board as vested by this act on and after the said first Monday of May, eighteen hundred and seventy.

GENERAL POWERS.

4. *And be it enacted*, That the said board of police commissioners shall have power to make such rules and regulations as to them may seem proper for the government of their own body, and for the government, direction and order of the police department of the said city of Hoboken.

CHIEF OF POLICE.

5. *And be it enacted*, That the said board of police commissioners shall hold meetings at least twice in every month, and shall promulgate all orders through the chief of police, who shall be appointed by the

said board, and who shall be the executive head of the whole police force of the city, subject to the rules and regulations of the board.

COMMISSIONERS TO AID THE MAYOR, &C.

6. *And be it enacted*, That the said board of police commissioners shall at all times aid and assist the mayor and city council of the city of Hokoken in the execution of all laws and ordinances in force in said city.

POLICE NOT DISCHARGED FOR POLITICAL REASONS.

7. *And be it enacted*, That the present police organization of the city of Hoboken shall continue until altered by the board of police commissioners in accordance with the provisions of this act; that the officers and members of the police force shall hold their offices during good behavior, and no person shall be removed from said force for political reasons, or on any grounds save incapacity, non-residence or disobedience of the rules and regulations of the department; the members of the force shall receive such compensation as shall be fixed by the said commissioners, and which shall not be diminished within one year after the same shall be determined upon.

RECORD OF PROCEEDINGS TO BE KEPT.

8. *And be it enacted*, That the commissioners shall keep a complete record of all their proceedings in a book or books provided for the purpose, which shall be taken and deemed as a public record, and they shall annually on or before the first day of May, submit a full report of their transactions, together with a financial statement to the common council of

Hoboken, which report shall by them be ordered to be published in the same manner as the mayor's message and other public documents, and a copy shall be filed in the office of the city clerk.

PAYMENT OF SALARIES.

9. *And be it enacted,* That in paying salaries a pay roll shall be made out by said board of police commissioners, and submitted to the common council, who shall order a warrant drawn on the city treasurer therefor, to the order of the president of said board of police commissioners, whose duty it shall be to pay the men according to said pay roll, and no moneys shall be drawn from the city treasury for the board of police commissioners, except by warrant ordered by the common council, in pursuance of a requisition by said board of police commissioners.

POLICE TO HAVE CONSTABULARY POWERS.

10. *And be it enacted,* That the members of the force are hereby invested with all the powers applicable to sheriffs and constables of the state, except to serve civil process; they shall also have all the powers conferred on the policemen of the city of Hoboken by the act to which this is a supplement; they shall also be exempt from duty as jurymen, and from military service, during the time they shall remain members of said force.

COMMISSIONERS MAY MAKE ARRESTS.

11. *And be it enacted,* That each of said police commissioners shall have full power to arrest, without warrant, for breaches of the peace committed in their presence, and in every such case of arrest the person arrested shall be forthwith taken before a proper judicial officer to be dealt with according to law.

MAYOR TO BE EX-OFFICIO, A MEMBER OF THE BOARD.

12. *And be it enacted*, That the mayor of the city of Hoboken, for the time being, shall always be ex-officio a member of the said board, and shall be presiding officer of the said board; and the city clerk of the said city shall be clerk of the said board; and the city physician shall be police surgeon of said city; and that said clerk and police surgeon to receive no extra pay or compensation for their services by virtue of this act.

QUORUM.

13. *And be it enacted*, That a majority of all the members of the board shall constitute a quorum for the transaction of business, and no policeman shall be appointed or dismissed from the police force of the said city unless by the vote of the majority of the said board.

COLLECTION OF UNPAID ASSESSMENTS.

14. *And be it enacted*, That the council of the city of Hoboken shall proceed to settle up the business and affairs of the commissioners appointed under "An act to provide for the drainage of certain low lands lying in the city of Hoboken and the township of Weehawken," approved April fourteenth, eighteen hundred and sixty-six, and the various supplements thereto, and for that purpose shall be vested with all the rights and powers of the commissioners appointed under said act and its various supplements; and they shall receive and collect all unpaid assessments on property assessed by said commissioners; and the mayor and council of Hoboken may sue any of said commissioners and recover from them any sums of money illegally taken by them for fees

or compensation for their services as commissioners; and the said council from the money received from the payments of assessments and otherwise shall pay all the outstanding unpaid improvment certificates issued by said commissioners for work done by contractors, and also interest thereon from the date of said certificates at the rate of seven per centum per annum, and to pay such other legal indebtedness as may have been incurred by said commissioners; and said council shall have power to cancel all liens and assessments upon property imposed by said commissioners upon payment to said council or the city clerk of the said assessments on the said property.

TAX TO BE RAISED FOR SPECIAL PURPOSES.

15. *And be it enacted*, That the mayor and council of the city of Hoboken shall have power to raise by tax upon all the real and personal property in the city of Hoboken a sum of money not exceeding twenty thousand dollars, to pay the claim of Charles Devlin against the city of Hoboken, for construction of main sewer in Third street in said city, and said sum shall be inserted in the general tax ordinance of said city for the year eighteen hundred and seventy.

16. *And be it enacted*, That all acts and parts of acts inconsistent with this act, be and the same are hereby repealed, and this act shall be deemed a public act, and shall take effect immediately.

Approved March 17, 1870.

CHAPTER CCCCXLV.

A supplement to an act entitled "An act to incorporate the city of Hoboken," approved March twenty-eighth, one thousand eight hundred and fifty-five.

BOARD OF POLICE COMMISSIONERS EMPOWERED TO APPOINT ADDITIONAL POLICEMEN.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of police commissioners of the city of Hoboken shall have power to appoint an additional number of policemen; *provided*, the whole number of men on the regular police force of said city shall not exceed forty men.

CHANCEMEN, HOW APPOINTED, POWERS, DUTIES, &C.

2. *And be it enacted*, That said board shall have power to appoint so many chancemen to serve on said police force as occasion may require as said board may deem necessary, which chancemen shall, when in active service, have the same powers and perform the same duties and be subject to the same regulations as the regular policemen of said force.

SPECIAL POLICEMEN, HOW APPOINTED, DUTIES, &C.

3. *And be it enacted*, That said board shall have power to appoint special policemen to be detailed to serve at or upon the premises of any private person or corporation provided the person or corporation desiring such appointment to be made shall agree to

pay such policemen appointed and detailed as aforesaid, the same yearly salary as the other members of said police force shall receive, and shall pay said salary monthly in advance to the treasurer of said city of Hoboken, which special policemen shall be subject to the rules and regulations as other policemen of said city.

IN CASE OF RIOT MAYOR TO APPOINT SPECIAL POLICE.

4. *And be it enacted*, That in case of riot or disorderly assembly the mayor of the city of Hoboken shall have power to appoint so many special policemen as he may deem necessary to suppress the same; *provided*, special policemen appointed by the mayor of said city shall not exercise police powers for more than twenty-four hours after his appointment unless the mayor shall deem it necessary to reappoint the same person or persons for the purpose aforesaid.

TRUSTEES BY WHOM AND HOW DIVIDED.

5. *And be it enacted*, That the board of education hereafter to be elected in the city of Hoboken shall, at the first meeting after their election, divide the trustees of each ward into three equal classes, one of which shall go out of office at the expiration of the first year, one at the expiration of the second year, and one at the expiration of the third year; which division shall be made by lot; and that at each succeeding charter election thereafter the said wards shall, respectively, elect one person as trustee for said ward, who shall hold his office for three years, and in case of death or disability of any trustee, a person shall be elected to serve the unexpired term at the next charter election; and that any trustee removing from the ward wherein he was elected shall be disabled within the meaning of this act.

OFFICE OF COMPTROLLER ABOLISHED.

6. *And be it enacted*, That the office of comptroller of the city of Hoboken be and the same is hereby abolished; *provided*, that the present incumbent of the said office shall hold the same until the expiration of the term for which he was elected.

7. *And be it enacted*, That all acts or parts of acts inconsistent with the provisions of the foregoing act be and the same are hereby repealed.

8. *And be it enacted*, That this act shall take effect immediately.

Approved March 27, 1874.

BOARD OF POLICE COMMISSIONERS MAY PUNISH MEMBERS OF POLICE FORCE, &C.

4. *And be it enacted*, That the board of police commissioners of the city of Hoboken shall have power to punish any member of the police force of said city, who may have been found guilty of a violation of the rules of said board, or any one of them, by reprimand, forfeiting or witholding of pay for a specified time or dismissal from the force, but not more than fifteen days pay shall be forfeited or withheld for any one offence.

POLICE FORCE NOT TO EXCEED A CERTAIN NUMBER.

5. *And be it enacted*, That the police force of said city shall not be increased to exceed forty-five men, and chancemen shall not be appointed unless to take the place of those members of the police force who may be actually absent from duty by reason of sickness or from other causes.

9. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act, be and the same are hereby repealed, and this act shall take effect immediately.

Approved April 6, 1875.

CHAPTER CC.

An act affecting the government of cities in this state as to certain of their internal affairs.

POWER TO LEASE STATION HOUSES.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the municipal board in any city to whom is committed the management of police matters, shall have power, whenever the public interests require it to be done, to lease station houses in said city for a period not exceeding five years; *provided*, the mayor of said city and the board having control of the finances of such city, shall approve of the terms of such lease.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 5, 1878.

CXAPTER XXXIV.

An act entitled "An act to regulate the election of judges, inspectors and clerks of elections in cities, towns and townships."

MEMBER OF POLICE FORCE NOT TO BE AN ELECTION OFFICER.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall, hereafter, be unlawful for any member of the regular police force in any city, town, or township of this state to hold the office of judge, inspector or clerk at any general or special election in this state.

OFFICES OF JUDGE, INSPECTOR OR CLERK DECLARED VACANT.

2. *And be it enacted*, That if any such person, a member of the regular police force in any city, town or township of this state now holds by election or appointment any such office of judge, inspector or clerk of elections, the same is hereby declared vacant; and that any vacancy caused by the provisions of this act shall be filled on the morning of election by the qualified voters assembled at such time and polling places where the said vacancies may exist; and the person or persons receiving the largest number of votes for any office so made vacant, shall be declared elected to the same.

JUDGE OF ELECTION TO FILL VACANCIES.

3. *And be it enacted*, That the inspector of elec-

tion, who was elected at the last annual charter election and qualified as such, shall act as judge of the election to fill all vacancies occurring by virtue of the proceedings of this act, and a true statement of the result of such election shall be made under oath by said inspector to the clerk of the city, town or township where such election occurs, who shall file the same in his office as an official paper.

PROVISIONS OF ACT TO APPLY TO JUDGE, INSPECTOR OR CLERK SELECTED FROM POLICE FORCE.

4. *And be it enacted*, That the provisions of this act, shall not interfere with those of any previous act, except as refers to any member of a regular police force in this state, who now holds or might hereafter be elected to the office of judge, inspector or clerk of election.

5. *And be it enacted*, That all laws or parts of laws inconsistent with any provisions of this act, be and the same are hereby repealed, and that this act shall be deemed a public act, and take effect immediately.

Approved February 26, 1879.

CHAPTER L.

An act entitled "An act to provide for the review by the justices of the supreme court of this state of summary convictions by justices of the peace, police justices and recorders of cities in this state."

COMPLAINT, WARRANT AND RECORD OF PROCEEDINGS IN CASES OF CONVICTIONS TO BE FILED IN THE COUNTY CLERK'S OFFICE.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be the duty of all justices of the peace, police justices and recorders of cities in this state, in all cases of summary convictions had before them, within three days after each and every such conviction, to file the complaint, warrant and record of the proceedings and conviction of the offender in the office of the county clerk of their respective counties, there to be and remain of record.

JUSTICE OF SUPREME COURT MAY REVIEW THE PROCEEDINGS UPON APPLICATION.

2. *And be it enacted*, That it shall be lawful for the justice of the supreme court holding the circuit in each of the counties of this state, upon application made to him for that purpose by any person convicted as aforesaid, who may desire to have the legality of his conviction reviewed, to order the said complaint, warrant, proceedings and record of conviction to be forthwith brought before him, that the legality of said proceedings and conviction may be reviewed and determined; and if such proceedings

and conviction shall thereupon be found to be illegal, forthwith to set aside the same and to order the discharge of said offender from custody.

FEES OF JUSTICES OF SUPREME COURT.

3. *And be it enacted*, That the said justice of the supreme court, for each case brought before him under the provisions of this act, shall be entitled for his services therein the sum of two dollars, to be paid by the applicant, and said fees when paid to such justice or to any clerk shall be disposed of as now required by law.

4. *And be it enacted*, That this act shall take effect immediately.

Approved February 27, 1880.

CHAPTER CII.

An act relating to fees of police magistrates and police officers in cities.

SPECIAL POLICE JUSTICES TO RECEIVE AND BE ALLOWED SAME FEES AS JUSTICES OF THE PEACE.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any special police justice or magistrate in any city of this state, is now, or may hereafter be authorized and empowered to use and exercise the like power, authority and jurisdiction in criminal matters, and complaints arising in any such city, as justices of the peace in and for the several counties are or may be entitled to use and exercise, the said special police justice and police magistrate shall hereafter receive and be allowed for the same services, the same fees as are now or may hereafter be allowed to justices of the peace.

POLICE OFFICERS ALLOWED THE SAME FEES AS CONSTABLES.

2. *And be it enacted*, That whenever any police officer of any city of this state now has and possesses, or may hereafter have and possess all the powers of constables within the limits of any such city, the said police officer shall hereafter receive and be allowed for the same services, the same fees as are now or may hereafter be allowed to constables of the several counties; and the fees referred to in this and the preceding section shall be paid in the same manner, and under the same regulations as now provided for the collection of justices' and constables' fees; *pro-*

vided, however, that in all cases where such police justices and policemen of any city of this state receive a fixed daily or annual compensation for their services from the city of which they are officers, the fees collected under this act shall be paid to the treasurer of such city.

3. *And be it enacted*, That this act shall be a public act, and shall take effect immediately.

Approved March 10, 1880.

CHAPTER CXLVII.

An act relative to the prosecution of persons for the violation of the ordinances of any city in this state.

EXECUTIONS MAY ISSUE AGAINST GOODS, CHATTELS AND PERSONS OF DEFENDANTS, &C.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful hereafter in any prosecutions made under any ordinance or ordinances in any city of this state, when judgment shall have been given in favor of the said city and against any defendant or defendants so had and commenced, to issue execution against the goods and chattels and persons of the defendant or defendants, including females.

2. *And be it enacted*, Thall acts or parts of acts inconsistent with this act be and the same are hereby repealed.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 11, 1880.

CHAPTER XVI.

An act in relation to the receiving and detention of prisoners in city, town and township prisons in this state.

KEEPERS OF PRISONS, LOCKUPS, POLICE STATIONS TO RECEIVE AND DETAIN PRISONERS FOR HEARING.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the passage of this act in all cities, towns and townships of this state, where there is a prison, lock-up, police station, or place of detention for the reception and detaining of prisoners awaiting examination, trial, or final commitment at the hands of the proper authority or authorities of said cities, towns and townships, it shall be the duty of the keeper or keepers, or other proper authority having charge of such prison, lock-up, police station, or place of detention, to receive on the proper and legal commitment of any justice of the peace of any county in which said prison is situated any prisoner or prisoners and detain the same for hearing on the order and commitment of said justice for examination, commitment to the county jail, or for trial before said justice, for any period not exceeding forty-eight hours.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 21, 1882.

CHAPTER XI.

An act to provide for the better protection of the drivers of horse cars on street passenger railroads in the cities and towns of this state.

HORSE CAR RAILROADS TO PROVIDE SEATS FOR DRIVERS OF CARS.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter all horse car passenger railroads in the cities and towns of this state shall provide a proper seat upon the front platform of each car for the use of the driver, on such car, when driving the same, under reasonable restriction by the company operating such car as to the use of such seat in going up or down grade or otherwise.

PENALTY FOR FAILURE TO COMPLY WITH REQUIREMENTS OF ACT.

2. *And be it enacted*, That any such company failing to comply with the requirements of the first section of this act shall be liable to a penalty of twenty-five dollars for each day, any car belonging to them shall be in use without such seat, to be recovered in an action of debt, before any justice of the peace, or district court, in the county or city where such railroad may be, by any person suing for the same; one-half of said forfeiture to be paid to the county treasury of the county where such suit is brought, and one-half to the person who shall prosecute the same to effect.

Approved March 3, 1882.

CHAPTER V.

An Act to authorize cities of the second class to make addtional appropriations for police purposes.

AUTHORITY TO MAKE ADDITIONAL EXPENDITURE.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever in any city of the second class the annual appropriation for the police department for the current year shall have been or may be exhausted, it shall be lawful for the board of aldermen or common council of such city, by resolution, to authorize the appropriation and expenditure of such additional sum as shall be necessary to defray the ordinary expenses of the police department for the remainder of said current year; and in case there shall not be sufficient surplus money in the city treasury, not otherwise appropriated, to answer such additional expenditure, it shall be lawful for the authorities of the city to provide therefor by a temporary loan or loans, and the amount of such loan or loans shall be incorporated in the next annual tax levy.

2. *And be it enacted*, That this act shall take effect immediately.

Approved January 30, 1883.

CHAPTER CXXVIII.

An act respecting police departments of cities, and regulating the tenure and terms of office of officers and men employed in said departments.

TERM OF OFFICE OF OFFICERS AND MEMBERS OF THE POLICE DEPARTMENT.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in the several cities of the state, the officers and men employed by municipal authority in the police department of any city, shall severally hold their respective offices and continue in their respective employment as such municipal officers and employees during good behavior, efficiency and residence in such city, except where, by statute, the term of office of any such officer and employee is determined and fixed, and does not depend upon the pleasure of any municipal officer, officers or board authorized to make apppointment or employment in said departments; and no person shall be removed from office or employment in the police department of any city, or from the force police of any city, for political reasons or for any other cause than incapacity, misconduct, non-residence or disobedience of just rules and regulations established, or which may be established for the police force or police department of said city; *provided*, that any member of the police force of any city who shall be absent from duty, without just cause for the term of five days, shall, at the expiration of said five days, cease to be a member of such police force.

MUNICIPAL AUTHORITIES TO PRESCRIBE RULES FOR DEPARTMENT.

2. *And be it enacted*, That it shall be lawful, for the better government and discipline of the police departments in the cities of the state, for the municipal authority or authorities in any city, whose duty it is or may become, to provide for, regulate or manage a police department, in such city, from time to time to prescribe and establish just rules and regulations respecting such department.

QUALIFICATIONS OF OFFICERS AND MEMBERS OF POLICE FORCE.

3. *And be it enacted*, That each member and officer of the police force shall be a citizen of the United States and a resident citizen for two years of the city in which he is appointed, able to read and write the English language understandingly, he must be of good moral character, of good health and sound body.

CERTAIN PERSONS NOT TO BE APPOINTED.

4. *And be it enacted*, That no person shall be appointed an officer or member of the police force in any city who has ever been convicted of a crime, who is less than twenty-one years or over forty-five years of age at the time of his appointment.

NOT TO BE REMOVED WITHOUT JUST CAUSE, &C.

5. *And be it enacted*, That no person whether officer or employe, in the police department of any city, shall be removed from office or employment therein, except for just cause, as provided in the first section of this act, then only after written charge or charges

of the cause or causes of complaint shall have been preferred against any such officer or employe, signed by the person or persons making such charge or charges and filed in the office of the municipal officer, officers or board having charge of the department in which the complaint arises, and after the said charge or charges have been publicly examined into by the appropriate municipal board, officer or authority, upon such reasonable notice to the person charged, and in such manner of examination as the rules and regulations governing the same may prescribe, it being the intent of this act to give every person, against whom charges for any cause may be preferred under this act, a fair trial upon said charges, and every reasonable opportunity to make his defence, if any he has or chooses to make, and the officer, board or body having power to try such charges shall have power to issue writs of subpœna to compel the attendance of witnesses, which writs shall be served in the same manner as subpœnas issued out of the court for the trial of small causes, and every person who neglects or refuses to obey the command of such writ shall be liable to a penalty of twenty-five dollars to be sued for in the corporate name of the city in any court of competent jurisdiction, and the penalty when collected shall be paid into the poor fund of such city.

6. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act, be and the same are hereby repealed, and that this act shall take effect immediately.

Approved March 25, 1885.

CHAPTER CXLVII.

An Act to authorize cities to provide for the pensioning of members of the police force.

LAWFUL TO PROVIDE FOR PAYMENT OF PENSIONS.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any city of this state, by general ordinance, to provide for the payment, by such city, of an annual or monthly pension to such retired members of the police force of the city as shall have honorably served upon such force for twenty years; *provided*, that no member of the police force of any city shall be retired on a pension under the provisions of this act, who has not attained the age of sixty years unless he be permanently disabled by injury received or by disease contracted during the time of his active service on the police force.

2. *And be it enacted*, That this act shall take effect immediately.

Passed March 31, 1885.

CHAPTER CLXXXVI.

An Act respecting cities, boroughs and incorporated towns.

LAWFUL TO ARREST PERSONS HAWKING, PEDDLING, &C., WITHOUT LICENSE.

1. Be it enacted *by the Senate and General Assembly of the State of New Jersey*, That in any city, borough or incorporated town of this state it shall be lawful for the license inspector by whatever name designated, or any police officer thereof, to summarily arrest any person hawking, peddling, selling or buying anything whatsoever in such city, borough or incorporated town without a license, when it is required to obtain a license therefor by any ordinance of such city, borough or incorporated town.

PERSONS TO BE TAKEN BEFORE MAGISTRATES.

2. *And be it enacted*, That it shall be lawful to carry such person so arrested before any magistrate of said city, borough or incorporated town before whom violation of ordinances are triable; whereupon such magistrate shall determine whether the person so arrested has been guilty of the violation complained of.

PENALTY ON CONVICTION.

3. *And be it enacted*, That on conviction of such violation, it shall be lawful for the magistrate to impose a fine on such person of not less than one dollar

nor more than twenty-five dollars, or to commit such person so convicted to the county jail for a period not to exceed ten days.

4. *And be it enacted*, That this act shall take effect immediately.

Approved April 17, 1885.

CHAPTER CCL.

An act to remove the fire and police departments in the cities of this state from political control.

BOARDS OF FIRE AND POLICE COMMISSIONERS CREATED.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That there is hereby created and established in each of the cities of this state, which shall accept the provisions of this act, a board of fire commissioners and a board of police commissioners to whom respectively shall be entrusted the government, control and management of the fire and police departments therein, and the direction and control of all public fire and police matters respectively, subject to the inspection and supervision of the common council of such city as hereinafter provided.

HOW CONSTITUTED AND APPOINTED.

2. *And be it enacted*,, That such respective board of fire and police commissioners, shall [each] consist of four persons resident in such city, each of whom shall be nominated by the mayor of such city and and appointed by him with the advice and consent of the common council thereof, as follows: At the first annual organization of the common council in each city of this state, after this act shall have been accepted by any city, the mayor thereof shall nominate four commissioners, to compose each of said boards, two of whom in each of said boards shall be selected from each of the two political parties, which shall have cast or polled the greatest number of votes

at the last preceding municipal election, and such mayor shall present the names of such nominees to the common council of such city for confirmation, and in case of rejection of any or all of such nominees by such common council, the said mayor shall continue to present the name or names of duly qualified persons for confirmation as aforesaid, until all the members of such respective boards are duly appointed and confirmed as aforesaid; and said commissioners composing each of said boards and immediately after their said confirmation, shall, by lot, determine which of the said commissioners composing said respective boards, shall serve for one year, which for two years, which for three years and which for four years, and until their respective successors shall be severally appointed and confirmed, and thereupon a commission shall be issued to each of said commissioners by the mayor of such city in accordance with the result of such determination aforesaid, and at each annual organization of such common council thereafter, the mayor of such city shall nominate one commissioner for each of said boards, who shall be selected from the same political party as his respective predecessor to serve for four years, and until his or their respective successors shall be appointed and confirmed, and the said mayor shall present the name of such respective nominees to the common council of such city, for confirmation, and in case of the rejection thereof by such common council, the said mayor shall continue to nominate for such office, some duly qualified person until the said office of commissioner is duly filled, whereupon the incumbent thereof shall be duly commissioned by such mayor as aforesaid; *provided*, that at no time shall more than two commissioners composing either of said boards, belong to the same political party as aforesaid.

BOARDS MAY APPOINT CLERKS.

3. *And be it enacted*, That such boards of commissioners, respectively, shall be entitled to have and appoint a clerk, who shall keep a record of all their proceedings, and an account of all money received and expended, and said boards of commissioners, respectively, shall make detailed reports monthly to such common council.

COMMISSIONERS AND CLERKS TO TAKE OATH AND GIVE BOND.

4. *And be it enacted*, That before entering upon the duties of such office, each of said commissioners and the clerk of said board, shall take or subscribe an oath or affirmation, before the clerk of such city faithfully and impartially to perform the duties of such office, and each of said commissioners shall enter into a bond to the corporation of such city, in such sum not exceeding ten thousand dollars, with such sureties as may be designated or approved by the common council of such city, conditioned for the faithful performance of his duties as such commissioner.

COMMON COUNCIL MAY EXPEL COMMISSIONERS FROM OFFICE.

5. *And be it enacted*, That the common council of each city shall have the right to expel from office any of said commissioners therein on good cause shown, and after a trial of such commissioner before such commmon council and for such purpose such common council shall be fully authorized to summon, swear or affirm and examine witnesses, hear counsel and try and determine the charges against such commissioners as to said common council shall seem just.

VACANCIES, HOW FILLED.

6. *And be it enacted*, That in case a vacancy occur in the said office of fire commissioner or police commissioner, such vacancy shall forthwith be filled for the remainder of such unexpired term, in the same manner as the original appointment was made and confirmed, such commissioner to be selected from the same political party as his predecessor.

BOARDS AUTHORIZE TO EMPLOY NECESSARY PERSONS.

7. *And be it enacted*, That the commissioners composing such board of fire commissioners and board of police commissioners be, and the said respective boards of fire and police commissioners, are hereby fully authorized and empowered to employ such persons as may be deemed necessary by said boards from time to time in their respective departments, and said boards are respectively authorized and empowered to declare vacant any or all of the offices or positions therein or thereunder, as to such board may appear best for the public interest in such department, including the chief officers of such department; *provided*, the appointment of chief engineer of such fire department and the chief of police of such police department, shall be approved by the common council of any such city; and said respective boards shall have power to make from time to time such by-laws, rules and regulations for the government of such board, and for the conduct and management of the affairs of such board and the department under its control, as to the members of such board shall see proper; *provided*, such by-laws, rules and regulations are not contrary to the constitution and laws of this state or the provisions of this act.

BOARDS AUTHORIZED TO APPOINT EMPLOYES OF DEPARTMENTS.

8. *And be it enacted*, That such board of fire commissioners shall be and is hereby fully empowered to designate, appoint or approve all the firemen or other persons employed in the fire department of such city; and the said board of police commissioners shall be fully authorized and empowered to designate, appoint or approve all the policemen or other persons employed in the police department of such city; and said respective boards shall have full power and right to suspend and to expel or discharge any person employed or appointed in or under the department under the control of such board, provided good cause shall be shown for such suspension, expulsion or discharge after an investigation by such board.

COMMISSIONERS TO DEVOTE SUFFICIENT TIME TO DUTIES.

9. *And be it enacted*, That each of such commissioners of fire and police boards shall devote such time and attention to the duties of his office as the welfare of the department under his control and the public interest therein may require; and each of such commissioners shall receive an annual salary not exceeding two thousand dollars to be paid quarterly to such commissioners by such city and to be fixed and determined by the common council of such city.

ELECTION OF PRESIDENT OF BOARDS.

10. *And be it enacted*, That said boards of fire and police commissioners shall annually, or whenever a vacancy occurs, select one of their number to act as president who shall preside at their respective meetings, and in case of a vacancy in the offices of chief

engineer or chief of police by removal, disability or otherwise, the president of the said boards respectively shall perform all the duties and possess all the powers of said respective positions during the continuance of such vacancy.

BOARDS EMPOWERED TO REGULATE COMPENSATION OF EMPLOYEES AND APPOINT SURGEONS.

11. *And be it enacted*, That the said respective boards of fire and police commissioners shall have power to fix and regulate the compensation of all officers, servants and employees of their respective departments, and each of said boards shall have power to appoint a surgeon from among the regularly graduated and licensed physicians of such city who shall be under the control of his respective board and subject to its rules and regulations.

MAY ISSUE SUBPŒANS, &C.

12. *And be it enacted*, That the said boards of fire and police commissioners respectively shall have power to issue subpœnas in the name of the president of such respective board, and compel the attendance of witnessess upon any proceedings by virtue of its rules and regulations, and each member of said board is hereby authorized to administer oaths or affirmations in any matter or proceeding as aforesaid, and any wilful or corrupt swearing by any person before said respective boards shall be deemed perjury, and punishable in the same manner as is now prescribed by the statutes of this state in cases of perjury.

BOARDS TO MAKE ANNUAL ESTIMATE OF EXPENSES.

13. *And be it enacted*, That in the month of January

in each year the said boards of fire and police commissioners respectively shall estimate in detail the expenses of the fire and police departments for the ensuing year, and transmit the same to the common council of such city, which body shall make provision for the assessment of the same in the tax ordinance of such year.

HOW SALARIES OF EMPLOYES PAID.

14. *And be it enacted*, That in paying salaries of said respective fire and police departments a pay roll of each department shall be made out by the said commissioners thereof and submitted to the common council of such city, and such common council shall order warrants drawn on the city treasurer of such city for the amount thereof to the order of the president of such board of fire commissioners or police commissioners as the case may be, and it shall be the duty of the said president of such boards respectively to pay the officers and employes of his board according to the pay so made out and submitted to such common council.

HOW MONEY FOR BOARDS DRAWN.

15. *And be it enacted*, Tath no money shall be drawn from the treasury of any such city for the boards of fire or police commissioners aforesaid, except by warrant ordered by the common council, in pursuance of a requisition by such respective boards of commissioners.

POWERS OF MEMBERS OF POLICE FORCE.

16. *And be it enacted*, That the members of the police force employed by the board of police commissioners are hereby invested with all the powers

applicable to sheriffs and constables of this state, except to serve civil process; they shall also be exempt from duty as jurymen and from military service during the time they shall remain members of such police force.

COMMISSIONERS MAY MAKE ARREST.

17. *And be it enacted*, That each of such police commissioners shall have full power to arrest without warrant, for breaches of the peace committed in their presence; and in every such case of arrest the person so arrested shall be forthwith taken before a proper judicial officer to be dealt with according to law.

COMMISSIONER NOT TO HOLD ANY ELECTIVE OFFICE.

18. *And be it enacted*, That no fire or police commissioner shall accept or hold any other place of public trust or emolument within the elective franchise, unless he shall first resign his office of commissioner, and upon his acceptance of any such place his position as a member of such board shall become vacant.

COMMISSIONER ACCEPTING REWARD, &C., GUILTY OF A MISDEMEANOR.

19. *And be it enacted*, That in case any fire or police commissioner appointed under this act shall take or receive any other reward, compensation or emolument for or in respect of any service under this act, or for or in respect to any appointment to be made or voted on, or for or in respect of any vote to be given by him as such commissioner, he shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not to exceed two

thousand dollars or imprisonment at hard labor for a term not to exceed two years, or both, at the discretion of the court before which such conviction is had.

COMMON COUNCIL TO PROVIDE SUITABLE OFFICES FOR BOARDS.

20. *And be it enacted*, That it shall be the duty of the common council of any city in this state wherein are established board of fire or police commissioners to provide such boards respectively with suitable and proper offices, quarters and accommodations, and to make such changes and alterations therein and to increase and enlarge the same whenever such respective boards shall so request such common council.

ACT NOT TO APPLY UNTIL PROVISIONS ACCEPTED BY VOTERS OF CITY.

21. *And be it enacted*, That this act shall not apply to any city until its provisions shall be accepted by the voters of such city by a majority of the votes cast for or against said act at any charter or general election hereafter to be held in said city.

IF ACT ACCEPTED TO TAKE EFFECT IMMEDIATELY.

22. *And be it enacted*, That if a majority of those voting for the acceptance or rejection of this act shall be in favor of its acceptance, then this act shall go into effect immediately, and the provisions thereof shall be deemed to be accepted by such city, and such city shall be bound by the terms of this act; persons entitled to vote at any charter or municipal election shall express their assent to or rejection of this act by depositing their ballots in the box provided

for depositing ballots at such election in the election precincts or districts or wards of any such city, and those who are in favor of the acceptance of this act shall each deposit a ballot containing the words "fire and police commission act accepted" written or printed thereon, and those who are opposed shall each deposit a ballot with the words "fire and police commission act rejected" written or printed thereon, and this acceptance or rejection may be expressed upon the ballot on which are the names of the ward, city, county or state officers, and no separate ballot shall be required for the purposes of this vote; there shall be a canvass on the return of the votes upon the question of such acceptance or rejection, made by the election officers in the same way and manner as for officers voted for at such election; and if a majority of the votes cast for or against this act shall be found to be in favor of its acceptance, it shall then, but not otherwise, go into effect, and be binding upon such city wherein such vote shall have been taken.

23. *And be it enacted*, That all acts and parts of acts, general, special, local or private, inconsistent herewith, be and the same are hereby repealed, and this act shall take effect immediately.

Approved May 2, 1887.

CHAPTER I.

A Supplement to an act entitled "An act to remove the fire and police departments in cities of this state from political control," approved May second, one thousand eight hundred and eighty-five.

HOW EXPENSES TO BE ESTIMATED AND ASSESSED.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That on or before the first day of March, in each year, the said boards of fire and police commissioners, respectively, shall estimate in detail the expenses of the fire and police departments for the ensuing year, and shall transmit such estimate to the common council of such city, which sums so estimated the said body shall cause to be assessed and raised by making provision therefor in the tax ordinance of such year; *provided, however*, that if such estimate for the fire department shall in any year exceed an amount equal to one mill and eleven hundredths of a mill on one hundred dollars of the total valuation of the assessed property in such city, as ascertained by the assessors' returns of the previous year, and if such estimate for the expenses of the police department shall in any year exceed an amount equal to one mill and nine-tenths of a mill on every one hundred dollars upon such valuation, that it shall be optional with such common council whether the excess or any part thereof be raised by taxation in such city or not; *provided, further*, that the said boards shall not make any expenditures or incur any indebtedness exceeding the amount so appropriated and raised.

FINES, PENALTIES AND RECEIPTS, HOW APPROPRIATED AND USED.

2. *And be it enacted*, That all fines, penalties and other receipts from police courts, where such courts are or may be established in such cities, shall be paid into the treasury of such city, to be appropriated and used as the common council may direct, and that all receipts from the sale of material or from other sources, which may be received by the fire department in any such city, shall be used by the said board for the support of such department in addition to the appropriation made therefor by the common council, as herein provided.

DUTIES OF TREASURER.

3. *And be it enacted*, That whenever and as often as the common council of any such city shall, by resolution, direct the treasurer of such city to credit the said boards with a sum or sums of money for the support of their respective departments, on account of the appropriations so to be made as aforesaid, it shall be the duty of such treasurer, immediately upon the receipt of a certified copy of such resolution, to enter on his books the sum or sums of money therein mentioned, to the credit of the respective boards, and to pay on presentation all drafts drawn upon him by the order of the said boards, duly attested by the signatures of the president and secretary thereof, to an amount not exceeding the balance remaining on his books to the credit of the said boards respectively, and to preserve such drafts to be exhibited in the settlement of his accounts as treasurer of such city.

COMPENSATION OF COMMISSIONERS.

4. *And be it enacted*, That each of such commissioners shall receive an annual salary not exceeding one thousand dollars, to be paid as specified in the act to which this is a supplement.

5. *And be it enacted*, That all acts and parts of acts inconsistent with this act be and the same are hereby repealed, and that this act shall take effect immediately.

Approved January 27, 1886.

CHAPTER XXXV.

An Act to amend section one of the act entitled "An act respecting police departments of cities, and regulating the tenure and terms of office of officers and men employed in said departments," approved March twenty-fifth, one thousand eight hundred and eighty-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of the act to which this is a supplement shall hereafter read as follows:

TERM OF OFFICE OF OFFICERS AND MEMBERS OF POLICE DEPARTMENT.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*,, That in the several cities of the state, whether the police departments are under the control of commissioners or otherwise, the officers and men employed by municipal authority in the police department of any city shall severally hold their respective offices and continue in their respective employment as such municipal officers and employes during good behavior, efficiency and residence in such city, except where by statute the term of office of any such officer and employe is determined and fixed, and does not depend upon the pleasure of any municipal officer, officers or board authorized to make appointment or employment in said departments; and no person shall be removed from office or employment in the police department of any city, or from the police force of any city for

political reasons or for any other cause than incapacity, misconduct, non-residence or disobedience of such rules and regulations established or which may be established, for the police force or police department of such city; *provided*, that any member of the police force of any city who shall be absent from duty, without just cause, for the term of five days, shall, at the expiration of said five days, cease to be a member of such police force; *and provided, further*, that this act shall not apply in or to cities commonly known as seaside and summer resorts.]

2. *And be it enacted*, That this act shall take effect immediately.

Passed February 23, 1886.

CHAPTER XCVI.

An Act relative to recorders in this state.

RECORDER AUTHORIZED TO DESIGNATE AND APPOINT A JUSTICE OF THE PEACE TO ACT IN HIS ABSENCE.

1. BE IT ENACTED *by the Senate and General Assembly fo the State of New Jersey*, That the recorder of any city of this state may, in case of his necessary temporary absence from his court, or inability from any cause to act therein, designate and appoint a justice of the peace to act in his stead during the period of such absence or inability, and such justice of the peace, while so acting, shall have, hold, exercise, use and perform any power, privilege, duty, authority or jurisdiction which is or shall be conferred upon or granted to said recorder; *provided*, that no such appointment shall be authorized or continue for a longer period than two days without the consent of the mayor of such city.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 26, 1886.

CHAPTER CII.

An act regulating the pay of officers and policemen in certain cities of this State.

COMPENSATION OF OFFICERS AND POLICEMEN.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That in all cities of this state other than towns, cities or boroughs which are known as seaside resorts, the pay or salaries of the following-named officers shall be as hereinafter specified; viz.: to sergeants, detectives or lieutenants, the sum of not less than ten hundred dollars per annum; to round-sergeants or roundsmen, the sum of not less than nine hundred and fifty dollars per annum, and to patrolmen, the sum of not less than nine hundred dollars per annum, in lieu of all other compensation whatever.

ACT, WHEN TO TAKE EFFECT.

2. *And be it enacted*, That this act shall take effect immediately; *provided*, that its provisions shall remain inoperative in any city or municipality until assented to by a majority of the legal votes cast for or against an increase of pay at any regular charter or general election to be hereafter held in such city or municipality; and the city clerk of such city or municipality shall, on the resolution of the common council, board of aldermen, board of police commissioners, or other governing body of such city or municipality, provide for each elector voting at such election, ballots to be printed or written, or partly printed or partly written, on which shall be either

the words "For increase of pay of police department," or "against increase of pay of police department," and if a majority of those voting shall be in favor of an increase of the pay of the police, then this act shall go into effect immediately, and the pay or salaries of the officers or men of such department shall be as hereinbefore stated; persons entitled to vote at any charter or general election, shall express their assent to or rejection of this act by depositing their ballots in the box provided for depositing ballots at such election, in the election precincts, districts or wards of any such city, and those who are in favor of the acceptance of this act shall each deposit a ballot containing the words "For increase of pay of police department," written or printed thereon; and those who are opposed shall each deposit a ballot with the words "Against increase of pay of police department," written or printed thereon; and this acceptance or rejection may be expressed upon the ballot on which are the names of the ward, city, county or state officers, and shall be counted in determining such result; there shall be a canvass on the return of the votes upon the question of such acceptance or rejection, made by the election officers in the same way and manner as for officers voted for at such election.

Approved March 26, 1886.

CHAPTER CXLVI.

An Act to amend an act entitled "An act respecting police departments of cities and regulating the tenure and terms of office of officers and men employed in said departments," approved March twenty-fifth, one thousand eight hundred and eighty-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section four of the act to which this is amendatory be amended so as to read as follows :

CERTAIN PERSONS NOT TO BE APPOINTED.

[4. *And be it enacted*, That no person shall be appointed an officer or member of the police force in any city who has ever been convicted of a crime, who is less than twenty-one years or over fifty-five years of age at the time of his appointment.]

2. *And be it enacted*, That this act shall take effect immediately.

Passed April 6, 1886.

CHAPTER CLXVI.

A supplement to an act entitled "An act regulating the pay of officers and policemen in certain cities of this state," approved March twenty-oixth, one thousand eight hundred and eighty-six.

WHEN INCREASE OF PAY OR SALARIES TO TAKE EFFECT.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That in any city or municipality in which the act to which this act is a supplement, shall become operative in the manner therein provided, the increase of pay or salaries therein made shall go into effect on the first day of the next calendar month thereafter, notwithstanding that there may not be any existing appropriation or fund sufficient to permit such increase, and the board or authority having control of the finances of such city or municipality shall borrow a sufficient sum to cover such increase for the remainder of the current fiscal year of such city or municipality, or may permit the same to be paid out of any money of said city or municipality, and shall put such sum in the next tax levy raised in said city or municipality.

2. *And be it enacted*, That this act shall take effect immediately.

Passed April 15, 1886.

CHAPTER CLXX.

An Act giving the recorder or police justice in all cities in this state exclusive jurisdiction of all complaints under the vice and immorality act.

RECORDER OR POLICE JUSTICES TO HAVE EXCLUSIVE JURISDICTION OF ALL COMPLAINTS UNDER THE VICE AND IMMORALITY ACT.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cities of this state having a recorder or police justice therein, all complaints for any violation of the provisions of the act entitled "An act for suppressing vice and immorality" [Revision], approved March twenty-seventh, anno domini, one thousand eight hundred and seventy-four, shall be made before such recorder or such police justice of such cities, and said recorder or police justice shall have exclusive jurisdiction in said cities, and said complaints shall be entertained by said recorder or police justice, and disposed of according to the rules of practice applicable to the respective statutes and ordinances concerning the same in force in said cities, and the costs of said prosecusion, except where the defendants are able to pay the same, shall be borne by the city; *provided, however*, that this act shall not apply to any recorder in any city in which the recorder is a member of the governing body of such city, or who may become the presiding officer of such governing body during the absence of the mayor.

NO JUSTICE OF THE PEACE TO HAVE JURISDICTION.

2. *And be it enacted*, That in any such city as aforesaid, no justice of the peace shall have jurisdiction to entertain any such complaint, or to hear, try and determine any such complaint, any law, custom or usage to the contrary notwithstanding.

3. *And be it enacted*, That this act shall be deemed a public act and take effect immediately, and all acts and parts of acts inconsistent with this act be and the same are hereby repealed.

Passed April 16, 1886.

CHAPTER CCLXV.

An Act concerning suits for violation of ordinances in cities, boroughs and incorporated towns.

WHAT NECESSARY TO STATE IN SUITS FOR VIOLATION OF ORDINANCES.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That when any suit shall be brought in any city, borough or incorporated town for the violation of any ordinance or ordinances, it shall only be necessary to state in the complaint the number of the section violated, briefly setting forth enough of the language of the section to apprize the defendant of the charge.

NO STATE OF DEMAND REQUIRED TO BE FILED.

2. *And be it enacted*, That no state of demand shall be required to be filed other than the complaint.

3. *And be it enacted*, That all acts and parts of acts, whether special or public, inconsistent herewith be repealed.

4. *And be it enacted*, That this act shall take effect immediately.

Passed June 1, 1886.

CHAPTER LXVI.

An Act in relation to the serving of all process issuing out of courts having the power to try violations of ordinances in any city of this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any and all police and recorders' courts in any city of this state, the chief of police and the officers of the police force in any such city, shall be and they are hereby authorized to serve all process issuing out of said courts, whether said chief of police or police officers have been or shall be appointed by the common council or other governing body of such city, or by a board of police commissioners.

2. *And be it enacted*, That for any and all violations of ordinances in any city, the chief of police and members of the police force therein shall be authorized to serve process on any defendant, whether such defendant resides in such city or any other place in the county in which such city is located.

3. *And be it enacted*, That all acts or parts of acts, whether special or general, inconsistent with either of the provisions of this act be and the same are hereby repealed.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 31, 1887.

CHAPTER LXII.

A supplement to the act entitled "An act providing for the pensioning of police officers and policemen in certain cities of this state, and regulating the method by which the same may be accepted and become operative in said cities," approved March thirty-first, one thousand eight hundred and eighty-seven.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section four (4) of the act to which this is a supplement be and the same is hereby amended so as to read as follows, to wit:

MEMBER OF FORCE TO BE PAID ONE-HALF COMPENSATION DURING TEMPORARY DISABILITY.

4. *And be it enacted*, That every member of such force shall be paid one-half compensation or salary only during temporary disability occasioned while in the performance of his or their duty; *provided, however*, that it shall be lawful for the board or body having control of the police force in any city where the act to which this is a supplement is in operation by resolution, to give such members of the force as may be or become disabled full compensation, if, after examination, the circumstances and character of such disability, in the judgment of said board, shall justify such full compensation, and not otherwise.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 22, 1888.

CHAPTER CXLVIII.

An Act to empower certain police officers to take bail in certain cases.

POLICE OFFICERS TO TAKE BAIL IN CERTAIN CASES.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter whenever any person is arrested for the commission of any offense, except intoxication, for which any police justice, recorder or justice of the peace now has jurisdiction to impose a fine or imprisonment, it shall be lawful for, and shall be the duty of, the sergeant of police or other police officer in charge of any station-house to which any such person may be brought under arrest, for the commission of such offense, to take bail of not less than one hundred dollars for the appearance of such prisoner before the police justice, recorder, or justice of the peace, before whom the said prisoner is to be arraigned.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 22, 1888.

CHAPTER CCCIV.

An Act to authorize the acquisition of real estate for the use of police departments in the cities of this state.

COMMON COUNCIL AUTHORIZED TO PURCHASE REAL ESTATE FOR USE OF POLICE DDPARTMENT.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever in the opinion of the common council of any city of this state, or other board having charge of the erection of public buildings in said city, it shall be necessary to acquire additional real estate for the use of the police department of such city, it shall be lawful for said common council or other board to purchase in the corporate name of the city such real estate at such price or prices as shall be authorized by a vote of two-thirds of all the members of said common council or other board, by and with the concurrence of the board having charge of the finances of such city; *provided*, that the sum expended therefor shall not exceed twenty thousand dollars.

AUTHORIZED TO ISSUE BONDS TO PROVIDE MONEYS FOR THE PAYMENT THEREOF.

2. *And be it enacted*, That to provide moneys necessary to pay for said real estate, it shall be lawful for the common council, by and with the consent of the board having charge and control of the finances of such city, to issue bonds in the corporate name of the city, not exceeding the amount required to be paid for said real estate, pledging for the re-

demption thereof the faith of said city, under the seal of the city, and attested by the city clerk, of such denominations as said common council shall deem fit, bearing interest at a rate not exceeding five per centum per annum, and redeemable in not more than twenty years from the date of issue, and to dispose of the same for the best price that can be obtained, but at not less than par value, and to provide for the redemption thereof and the payment of the interest thereon by taxation.

3. *And be it enacted*, That the words "common council," whenever used in this act, shall be held to include the board of aldermen and other governing body, by whatever name known, of any city of this state.

4. *And be it enacted*, That all acts and parts of acts, general, special and local, inconsistent with the provisions of this act, be and the same are hereby repealed, and that this act shall take effect immediately.

Approved April 23, 1888.

CHAPTER CXXXI.

An Act to authorize the acquisition of real estate, and the erection of buildings thereon, for the use of police departments in the cities of this state.

EMPOWERED TO PURCHASE LANDS AND ERECT BUILDINGS

1. BE IT ENACTED *by the Senate and General Assembly fo the State of New Jersey*, That whenever, in the opinion of the board or authorities having the control of the police department in any city of this state, it shall be deemed necessary to acquire additional accommodations for precinct station-houses, or police station-houses, for the use of the police department of any such city, it shall be lawful for the authorities or other board having charge of the erection of public buildings in said city, to purchase, in the corporate name of the city, such real estate, in such parts or localities of said city as may be required, and indicated by the board or authorities having control of such police department, and to have erected upon each of said sites or parcels of land so purchased, such precinct station-houses, or police station-houses, as said police authorities may deem necessary as aforesaid; *provided, however*, that the purchase of such real estate shall be only at such price or prices as shall be authorized by a vote of two-thirds of all the members of the board having charge of the erection of public buildings in said city as aforesaid, and that such buildings shall be built only upon contract, and after due advertising for proposals for such work shall be made in the manner and way now provided for in any public, special or local law applicable to such city, and relating to

contracts for work or material to be purchased by or furnished to such city, and that such contract shall be awarded to that responsible bidder who offers the terms most advantageous to the city.

2. *And be it enacted*, That the sum expended for the purposes aforesaid shall, in no case, exceed the sum of forty-five thousand dollars.

CONCURRENCE OF BOARD OF FINANCE TO BE HAD.

3. *And be it enacted*, That such purchase of real estate and the erection of such buildings as hereinbefore provided for, shall be had and done only by and with the concurrence of the board having the charge and control of the finances of such city.

MAY ISSUE BONDS NOT EXCEEDING AMOUNT REQUIRED.

4. *And be it enacted*, That to provide moneys necessary to pay for said real estate, and the erection of said buildings, it shall be lawful for the board having the charge and control of the finances of said city to issue bonds in the corporate name of the city, not exceeding the amount required to be paid for said real estate, and the erection of said buildings, pledging, for the redemption thereof, the faith of said city, under the the seal of the city, signed by the mayor of said city and attested by its clerk, of such denomination as said board having the charge and control of the finances of said city shall deem fit, bearing interest at a rate not exceeding five per centum per annum, and redeemable in not more than twenty years from the date of issue thereof, and to dispose of the same at the best price that can be obtained, but at not less than par value, and to provide for the redemption thereof and the payment of the interest thereon by taxation.

CITIES MAY ERECT BUILDINGS ON LANDS OWNED.

5. *And be it enacted*, That any such city, having or owning real estate available for the erection thereon of any such precinct station-houses, or police station-houses, as herein provided for, that then and in such case such city may, if it deem it advisable, instead of purchasing real estate, as herein provided for, erect upon any such real estate had or owned by such city, said buildings, or any of them.

6. *And be it enacted*, That all acts or parts of acts, general, special or local, inconsistent with the provisions of this act, be and the same are hereby repealed, and that this act shall take effect immediately.

Approved April 8, 1889.

CHAPTER CXLVII.

An act to amend an act entitled "An act providing for the pensioning of police officers and policemen in certain cities of this state, and regulating the method by which the same may be accepted and become operative in said cities," approved March thirty-first, one thousand eight hundred and eighty-seven.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That the third section of the act of which this act is amendatory be and the same hereby is amended to read as follows:

3. *And be it enacted*, That any member of such force having received permanent disability by reason of accident incurred at any time in the service, or after nine years in the service, by reason of disease contracted during such service, shall be retired upon half pay.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 10, 1889.

CHAPTER CCIII.

An Act to amend an act entitled "An act to amend an act entitled 'A supplement to an act entitled "An act to remove the fire and police departments in cities of this state from political control," approved May second, one thousand eight hundred and eighty-five,' which supplement was approved January twenty-seventh, one thousand eight hundred and eighty-six," and which amendatory act was approved March sixth, one thousand eight hundred and eighty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of an act entitled "An act to amend an act entitled 'A supplement to an act entitled "An act to remove the fire and police departments in cities of this state from political control," approved May second, one thousand eight hundred and eighty-five,' which supplement was approved January twenty-seventh, one thousand eight hundred and eighty-six," and which amendatory act was approved March sixth, one thousand eight hundred and eighty-six, be and the said section hereby is amended to read as follows:

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the supplement to the act entitled "An act to remove the fire and police departments in cities of this state from political control," approved on the twenty-seventh day of January, one thousand eight hundred and eighty-six, be and the same hereby is amended to read as follows:

WHEN BOARDS TO ESTIMATE EXPENSES OF DEPARTMENTS.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That on or before the first day of May, in each year, the said boards of fire and police commissioners, respectively, shall estimate in detail the expenses of the fire and police departments for the ensuing year, and shall transmit such estimate to the common council of such city, which sums, so estimated, the said body shall cause to be assessed and raised by making provision therefor in the tax ordinance of each year; *provided, however*, that if such estimate for the fire department shall, in any year, exceed an amount equal to one mill and five-tenths of a mill on one dollar of the total valuation of the assessed property in such city, as ascertained by the assessors' returns of the previous year, and if such estimate for the expenses of the police department shall, in any year, exceed an amount equal to two mills and five-tenths of a mill on every one dollar upon such valuation, that it shall be optional with such common council whether the excess or any part thereof be raised by taxation in such city or not; *provided further*, that the said boards shall not make any expenditure or incur any indebtedness exceeding the amount so appropriated and raised; *provided, however*, that where in any city the amount now authorized to be raised for current general expense is fixed and limited, that so much of the sum required by this act to be raised therein as exceeds the amount now by law required to be raised by taxation therein for the purposes aforesaid, shall not be included in such limitation, but shall be raised in addition thereto.

2. *And be it enacted*, That all acts and parts of acts, general, special, local or private, inconsistent

with the provisions of this act, be and the same are hereby repealed, and this act shall take effect immediately.

Approved April 27, 1889.

CHAPTER CCXIII.

An act to enable justices of the peace, police justices, recorders and other magistrates before whom disorderly persons are tried, to fine and imprison such persons.

MAGISTRATES EMPOWERED TO FINE OR IMPRISON PERSONS CONVICTED UNDER THE DISORDERLY ACT.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That in all cases where any person is convicted of having violated any of the provisions of the disorderly act, approved April ninth, eighteen hundred and seventy-five, and the supplements thereto, it shall and may be lawful for the magistrate before whom such person was convicted, to sentence such person to the work-house or common jail of the county in which such person may be convicted, for a period not to exceed ninety days, or to impose a fine not exceeding twenty-five dollars on such person.

MAY DISCHARGE PRISONER UPON PAYMENT OF FINE.

2. *And be it, encated* That after such person in default of paying such fine shall have been committed to said work-house or jail, it shall be lawful for the magistrate to discharge such person on receiving such fine or a portion thereof, as he may see fit.

ACT NOT TO EFFECT CERTAIN PROCEEDINGS.

3. *And be it enacted,,* That this act shall in nowise affect the proceedings against persons referred to in the fifth section of the disorderly act.

4. *And be it enacted*, That all acts or parts of acts inconsisent herewith be and the same are hereby repealed.

5. *And be it enacted*, That this act shall take effect immediately.

Approved May 6, 1889.

CHAPTER CCLVII.

An act regulating the pay of officers and policemen in certain cities of this state.

SALARIES OF OFFICERS AND POLICEMEN.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That in all cities of this state other than towns, cities or boroughs which are known as seaside resorts, the pay or salaries of the following-named officers shall be as hereinafter specfied, viz.: to aids, sergeants, detectives or lieutenants, the sum of twelve hundred dollars per annum; to round-sergeants or roundsmen, the sum of not less than ten hundred and fifty dollars per annum, and to patrolmen, the sum of ten hundred dollars per annum, in lieu of all other compensation whatever.

ACT INOPERATIVE UNTIL ASSENTED TO BY MAJORITY OF VOTERS.

2. *And be it enacted*, That this act shall take effect immediately; *provided*, that its provisions shall remain inoperative in any city or municipality until assented to by a majority of the legal votes cast for or against an increase of pay at any regular charter or general election to be hereafter held in such city or municipality, when submitted to said voters by the concurrence of the boards hereinafter designated; and the city clerk of such city or municipality shall, on the resolution of the common council, board of aldermen, board of police commissioners, or other governing body of such city or municipality,

when concurred in by the board having charge and control of the finances in such city, provide for each elector voting at such election, ballots to be printed or written, or partly printed or partly written, on which shall be either the words, "for increase of pay of police department," or "against increase of pay of police department;" and if a majority of those voting shall be in favor of an increase of the pay of the police, then this act shall go into effect immediately; and the pay or salaries of the officers or men of such department shall be as hereinbefore stated; persons entitled to vote at any charter or general election shall express their assent to or rejection of this act by depositing their ballots in the box provided for depositing ballots at such election in the election precincts, districts or wards of any such city, and those who are in favor of the acceptance of this act shall each deposit a ballot containing the words "for increase of pay of police department" written or printed thereon, and those who are opposed shall each deposit a ballot with the words "against increase of pay of police department" written or printed thereon, and this acceptance or rejection may be expressed upon the ballot on which are the names of the ward, city, county or state officers, and shall be counted in determining such result, and there shall be a canvass on the return of the votes upon the question of such acceptance or rejection made by the election officers in the same way and manner as for officers voted for at such election.

WHEN INCREASE OF SALARY TO GO INTO EFFECT.

3. *And be it enacted*, That in any city or municipality in which this act shall become operative in the manner therein provided, the increase of pay or salaries therein made shall go into effect on the first

day of the next calendar month thereafter, notwithstanding that there may not be any existing appropriation or fund sufficient to permit such increase, and the board or authority having control of the finances of such city or municipality shall borrow a sufficient sum to cover such increase for the remainder of the current fiscal year of such city or municipality, or may permit the same to be paid out of any money of said city or municipality, and shall put such sum in the next tax levy raised in said city or municipality.

4. *And be it enacted*, That this act shall take effect immediately.

Approved May 9, 1889.

CHAPTER CLXXXVIII.

An Act to regulate processions and parades in cities of the first and second class in this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all processions and parades are forbidden in, over upon or through any street, avenue or public thoroughfare of any city of the first or second class in this state, unless written notice of the object, time and route of such procession or parade be given to the police authorities of such city by the chief officer or person or persons in charge of such procession or parade not less than six hours previous to the time of forming such procession or parade, and it may be lawful for said police authorities to designate to such procession or parade which or how much, if any, street, avenue or public thoroughfare it can occupy, and when so designated the chief officer or person or persons in charge of such procession or parade shall be responsible that the designation is obeyed; and the police authorities of any such city may furnish such escort as may be necessary to protect persons and property and maintain peace and order.

2. *And be it enacted*, That processions and parades on the Sabbath day, commonly called Sunday, in any street, avenue or public thoroughfare in any city of the first or second class in this state, excepting processions or parades proceeding to or returning from any place of burial, and processions to and from any

place of worship in connection with a religious service then celebrated are forbidden, and in no such excepted case shall there be any music except by consent of the police authorities first had and obtained.

3. *And be it enacted*, That it shall and may be lawful for any body of the national guard of this state, the police or fire department, the grand army of the republic, or other veteran organization, to parade in any public street, avenue or thoroughfare in any city of the first or second class in this state, and to cause music to be played while in such procession or parade, and to cause music to be played while proceeding to or returning from any place of burial on the Sabbath day, commonly called Sunday, except that music shall not be played while passing any church or place of worship on the Sabbath day, commonly called Sunday, subject to any police regulation the police authorities may deem necessary for the preservation of the public peace.

4. *And be it enacted*, That every person who shall wilfully violate any of the provisions of this act shall be deemed guilty of a misdemeanor, and on conviction thereof shall suffer a penalty not exceeding fifty dollars or imprisonment not exceeding thirty days, or both, at the discretion of the court.

5. *And be it enacted*, That this act shall take effect immediately.

Approved May 12, 1890.

ACTS

RELATING TO THE

FIRE DEPARTMENT,

"THE TRUSTEES OF THE FIRE DEPARTMENT FUND."

FIRE ESCAPES, ENGINE HOUSES, &c.

FIRE DEPARTMENT.

An act to incorporate the Fire Department of the township of Hoboken, in the county of Hudson.

STYLE OF INCORPORATION.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the male inhabitants of the township of Hoboken, in the county of Hudson, between the ages of twenty-one and fifty-five years, be and are hereby created and declared to be a body politic and corporate, under the name and style of The Fire Department of the township of Hoboken, in the county of Hudson.

FORMATION OF FIRE COMPANIES AUTHORIZED.

2. *And be it enacted*, That the said inhabitants shall have power at any time hereafter to form such and so many fire engines, hose, hook and ladder companies as they may deem desirable for the purpose of protecting the property of said township from damage or destruction by fire; *provided*, not more than one fire engine company be formed to every three thousand inhabitants of said township, and that every such company be composed of not more than fifty men; *and provided also*, not more than one hook and ladder or hose company be formed to every six thousand of said inhabitants, each to be composed of not more than twenty-five members.

ELECTION OF TRUSTEES.

3. *And be it enacted*, That the legal voters of said

township shall, on the second Monday in April next, at the annual town meeting of said township and annually thereafter elect, by plurality of votes, seven persons as trustees of the corporation hereby created, who shall hold their office for the term of one year and until others are chosen in their stead, and that the present trustees elected under an act entitled "An act to incorporate Hoboken Fire Company Number One," approved February twenty-eighth, one thousand eight hundred and forty-nine, shall be the trustees of this corporation until the first trustees are elected under this act, and the said trustees now elected or hereafter to be elected by a majority of their number, shall have power to grant, or annul, a certificate of membership of either of said fire engine, hook and ladder or hose companies, and that such certificate shall be necessary to constitute membership of any such company. No certificate shall be given at any time to honorary members.

PROPERTY VESTED IN TRUSTEES.

4. *And be it enacted*, That the estate, both real and personal, now belonging to the corporation, created by the act in the last section referred to or hereafter to be acquired under this act, is hereby vested in said trustees and their successors in trust, always for the benefit of said corporation hereby created, the said trustees may, from time to time, make and enforce such by-laws and regulations for the acquisition, management and control in furtherance of the object of his corporation, as they shall deem expedient; *provided*, the same are not inconsistent with the constitution and laws of the United States or of this state; a majority of said trustees shall constitute a quorum for the transaction of business.

TAX MAY BE RAISED.

5. *And be it enacted*, That the inhabitants of the township of Hoboken aforesaid, be and they are hereby authorized at their annual town meeting, to vote for, assess and collect, in the same manner that the other taxes of said township are voted for, assessed and collected, any sum of money not exceeding twenty-five hundred dollars annually, which money, when collected, shall be paid over by the collector of said township to the chairman of said board of trustees, and take his receipt for the same, as a sufficient voucher, which money shall be solely and exclusively applied by the said trustees to the procuring, repairing, maintaining and preserving the engines, engine houses, cisterns or reservoirs of water, ladders, buckets, fire-hooks, and all necessary implements and machines, and to the purchase of real estate necessary for such houses and to such other incidental expenses as shall to the said trustees appear best calculated to secure the property of said inhabitants from injury or destruction by fire.

GENERAL POWERS.

6. *And be it enacted*, That the said corporation shall be capable of sueing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts of judicature whatsoever, and may have and use a common seal and have power to make and alter the same at pleasure, and by their common seal may make, enter into and execute any contract or agreement, touching and concerning the objects of said corporation.

ELECTION OF CHIEF ENGINEER.

7. *And be it enacted*, That duly constituted members of said department (of which the present members of said Hoboken Fire Company Number One, duly commissioned, shall be members during the continuance of their present commission) shall have power to elect, by plurality of votes, a chief engineer of said department who shall hold his office for one year and until another shall have been chosen to succeed him, his election having first been confirmed by a majority of said trustees; *provided*, he may be, at any time, be removed, if desired by two-thirds of said members, in which case, and upon the request of two-thirds of said members a new election shall be held to supply his place.

VACANCIES.

8. *And be it enacted*, That vacancies in the said board of trustees, occasioned by death, removal or refusal to serve shall be filled by the remaining trustees.

FIREMEN EXEMPT FROM JURY DUTY.

9. *And be it enacted*, That all persons, during the period of their actual membership of either of the companies organized in and by said department, shall be exempt from serving as jurors in all courts of Hudson county, and also from all militia duty and military tax in time of peace, and all persons having served as a member of said department for the period of ten years, and having received a certificate from said trustees of such service, shall be forever exempt from such duty and tax in said county.*

* Supplement, Approved March 4th, 1856.

FORMER ACTS REPEALED.

10. *And be it enacted*, That said act entitled "An act to incorporate Hoboken Fire Company Number One," and an act entitled supplement to an act entitled "An act to divide the township of North Bergen, in the county of Hudson, and to establish in said county a new township to be called the township of Hoboken," approved March eighteenth, eighteen hundred and fifty-two, and all other acts or parts of acts inconsistent with this act be and the same are hereby repealed.

LIST OF MEMBERS TO BE FILED.

11. *And be it enacted*, That the president of said trustees shall file a true and correct list of all the members of each fire company in said township, within twenty days after his election, in the office of the clerk of the county, under a penalty of one hundred dollars for neglect of such duty, and which said penalty may be recovered from such president in action of debt in the name of the township of Hoboken for the benefit of said township.

12. *And be it enacted*, That this act shall go into effect immediately.

Approved March 15, 1854.

CHAPTER LXIII.

A supplement to an act entitled "An act to incorporate the Fire Department of the township of Hoboken, in the county of Hudson," approved March fifteenth, eighteen hundred and fifty-four.

FORMER ACT AMENDED.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section nine of the act entitled "An act to incorporate the Fire Department of the township of Hoboken, in the county of Hudson," approved March fifteenth, eighteen hundred and fifty four, be and the same is hereby repealed, and that the following be inserted in its place as section nine of said act: "*And be it enacted*, That every person who, on the first day of May next, shall have been a fireman in the township of Hoboken for the term of five years or more, and who shall serve as such two years thereafter, and every person who, on the first day of May next, shall have been such fireman for a less period of time than five years, and who for so long a time thereafter as shall make the whole term of service seven years, and every person who may become such fireman after the passage of this supplement, and shall serve as such for seven years thereafter, shall be exempt from serving as a juror in any of the courts of this state, and from all militia duty and military tax in time of peace; and all persons having served as a member of said department for the period of seven years, and having received a certificate from the council of the city of Hoboken of such service, shall be forever exempt

from such militia duty and tax, except in case of war, invasion or insurrection.

2. *And be it enacted*, That so much of the act to which this is a supplement as is inconsistent with the provisions of this act, be and the same is hereby repealed.

Approved March 4, 1856.

CHAPTER LV.

An act to incorporate the Hoboken Fire Department Fund, for the benefit of all indigent and infirm firemen, of the city of Hoboken, and also their widows and orphans.

NAMES OF CORPORATORS.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John Mount, Joseph W. Stickler, Charles E. Bailliere, Charles T. Perry, J. Freeman Silke, Peter Ritter, junior, Peter J. Powless, John Cloyd and John W. Vanboskerck, be and they are hereby constituted and made a body politic and corporate in fact, name and law, by the name of "The Trustees of the Hoboken Fire Department Fund," and by that name they and their successors shall have perpetual succession, power to sue and be sued, plead and be impleaded, answer and be answered unto, in all courts and places whatsoever, to make and use a common seal, and the same to change at pleasure, and to purchase, take, have, hold, receive and enjoy any lands, tenements or hereditaments, in fee simple or otherwise, and any moneys, goods, chattels, legacies, donations, annuities, or other personal property, of what kind or quality soever, by gift, grant, devise, bequest, or otherwise, and the same to grant, convey, assign, sell or otherwise dispose of, for the purpose of the said corporation; *provided always*, that the principal sum of said estate shall at no time exceed in value the sum of ten thousand dollars, nor be applied to any other purpose than those for which this corporation is formed.

OBJECTS OF INCORPORATION.

2. *And be it enacted*, That the object of such incorporation shall be to assist all such disabled and indigent firemen, their widows and orphans, as may, in the opinion of the board of trustees, require assistance in conformity with the following provisions; all firemen being indigent and infirm, and all firemen who have been disabled, and shall become indigent and infirm, and all firemen having served the time prescribed by law as such, and shall resign thereafter, and having become indigent and infirm, and the widows and orphans of all such indigent and infirm firemen, shall be entitled to relief from the said corporation.

BOARD OF TRUSTEES.

3. *And be it enacted*, That the board of trustees shall consist of three persons from each engine, hose and hook and ladder company of the city of Hoboken, together with the chief engineer of the fire department of Hoboken, two-thirds of whom shall constitute a board for the transaction of business; and the said board shall have power to make and prescribe such by-laws, rules and regulations as to them shall seem needful for the purposes of the said corporation; *provided*, there be a majority of the trustees present and agreeing thereto, and the same shall not be inconsistent with this act or the laws of this state.

ELECTION OF TRUSTEES.

4. *And be it enacted*, That the trustees from each company shall be elected by the members of such company; and at the first election after the passage of this act, each company shall elect three trustees

whom the board of trustees, at their first meeting after any such election, shall divide by lot into three equal classes, one of which shall go out of office at the expiration of the first year, another at the expiration of the second year, and another at the expiration of the third year; and that at every election thereafter, the said companies shall respectively elect one person as trustee, who shall hold such office for three years; and in case of death, resignation or disability of any trustee, a person shall be duly elected to fill the unexpired term, by the company he represented in said board.

OFFICERS OF ASSOCIATION.

5. *And be it enacted*, That the board of trustees, at their first meeting in each year, shall, from among their number, choose by ballot, a president, vice-president, secretary and treasurer, and, in case of any vacancy in any of said offices, the said board of trustees shall have power to fill the same for the remainder of the current year.

CERTIFICATE OF MEMBERSHIP TO BE GIVEN TO CHIEF ENGINEER.

6. *And be it enacted*, That the mayor and council of the city of Hoboken shall deliver to the chief engineer of the fire department of said city, all certificates of membership granted by them; and the chief engineer shall countersign each certificate, upon the receipt of two dollars from the person entitled to the same, and no person shall be considered a member of the Hoboken fire department, until his certificate is countersigned as above; and in case of any member being transferred from one company to another, he shall pay the chief engineer the sum of fifty cents; *provided*, such transfer takes place within sixty days after leaving such company.

MONEYS TO BE INVESTED.

7. *And be it enacted*, That all moneys at any time received by the treasurer, shall be held by him, subject to be drawn upon by an order of the trustees, until the same shall amount to two hundred dollars, when one hundred dollars shall be invested by the board of trustees, as part of the permanent fund, in such manner as in their judgment may be most beneficial to the interests of the corporation.

PRINCIPAL OF FUND NOT TO BE IMPAIRED.

8. *And be it enacted*, That the principal of the permanent fund shall not be used or impaired in granting the assistance contemplated by this act.

TREASURER TO GIVE BOND.

9. *And be it enacted*, That the treasurer shall give good freehold security, approved by the board of trustees, in double the value of the money and securities belonging to the fund, before entering upon the duties of this office.

PROPERTY NOT TO BE TAXED.

10. *And be it enacted*, That the property and effects of the said corporation, held or used for the purposes designed by this act, shall not be subject to the imposition of any tax.

PART OF FORMER ACT REPEALED.

11. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act, be and the same are hereby repealed.

LIMITATION.

12. *And be it enacted*, That this act shall continue in force for thirty years; *provided always*, that the Senate and General Assembly may, at any time hereafter, amend, repeal, or modify this act, as they shall think proper.

Approved March 11, 1857.

CHAPTER XXXI.

A further supplement to an act entitled "An act to incorporate the Fire Department of the township of Hoboken, in the county of Hudson," approved March fifteenth, eighteen hundred and fifty-four.

PART OF FORMER ACT REPEALED.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section second of said act is hereby repealed.

CITY COUNCIL MAY AUTHORIZE FORMATION OF FIRE COMPANIES, &C.

2. *And be it enacted*, That the council of the city of Hoboken shall have the power to authorize the formation of so many fire engine, hose, and hook and ladder companies as they may deem desirable, for the purpose of protecting the property in said city from damage or destruction by fire; *provided*, that no engine company shall be composed of more than fifty men, or hose or hook and ladder company of more than forty members.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 1, 1859.

CHAPTER XL.

An act to incorporate the Association of Exempt Firemen, in the city of Hoboken.

CORPORATE NAME AND POWERS.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Theodore Van Tassel, Thomas Mickens, James Houseman, William G. Shepherd, Andrew Mount, William H. Wilson, Peter Ritter, and such other persons as may become associated with them, be and they are hereby constituted and made a body politic and corporate to be known in fact and law, as the "Association of Exempt Firemen of the city of Hoboxen," and by that name they and their successors shall be capable of sueing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts of judicature whatsoever, and they and their successors, respectively, may have and use a common seal, and have power to make, alter and renew the same at pleasure; and by their common seal may make, enter into and execute any contract or agreement touching the objects of said incorporation, and may acquire and hold real and personal estate necessary for the objects of the incorporation; *provided*, the same shall not exceed the sum of five thousand dollars.

OBJECT.

2. *And be it enacted*, That the purpose of said association shall be to aid the fire department of Ho-

boken in the extinguishment of fires; and the members of said association, when on duty, shall be subject to and under the control of the chief and assistant engineers of the fire department of the city of Hoboken, the same as any fire company of said city.

OFFICERS.

3. *And be it enacted*, That the members of said association shall have power, at their annual meeting, to be held on the second Tuesday of April, to elect, from among their number, a president, vice-president, secretary and treasurer, who shall hold their offices until others are elected in their stead; they shall also have power to elect, at said annual meeting, one trustee of the Hoboken Fire Department Fund, who shall hold his office for three years; and in addition thereto, at the first annual meeting after the passage of this act, may elect two trustees of the Hoboken Fire Department Fund, one of whom shall hold his office for the term of one year, and one for the term of two years; and the said trustees, when elected, shall be entitled to all the rights and privileges that are now granted by law to the members of the board of trustees of the Hoboken Fire Department Fund, and said association shall be entitled to a representation in said board of trustees in the same manner as if the said association were one of the fire companies of the city of Hoboken, anything in the act creating the board of trustees of the Hoboken Fire Department Fund to the contrary notwithstanding.

BY-LAWS.

4. *And be it enacted*, That the said association shall have power to make and prescribe such by-laws, rules and regulations as to them may seem needful

provided, the same shall not be inconsistent with this act, or the constitution of this state.

EXEMPT FROM TAXATION.

5. *And be it enacted*, That the property and effects of the said association, held or used for the purpose designed by this act, shall not be subject to the payment of any tax under the laws of the state.

6. *And be it enacted*, That this act shall continue in force for thirty years; *provided always*, that the Senate and General Assembly may, at any time hereafter, amend, repeal or modify this act, as they shall think proper.

7. *And be it enacted*, That all acts and parts of acts inconsistent with this act, be and the same are hereby repealed.

8. *And be it enacted*, That this act shall take effect immediately.

Approved February 16, 1863.

CHAPTER XXX.

An act to amend an act entitled "An act authorizing and providing for the incorporation of associations of exempt firemen, and the formation of a state association of exempt firemen," approved February twenty-fifth, one thousand eight hundred and eighty-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section fourteen of the act to which this is amendatory be and the same is hereby amended to read as follows:

14. *And be it enacted*, That for the purpose of this act, where there is no local law or ordinance fixing the time that it shall be necessary for active firemen to serve to be entitled to become exempt firemen, and receive their certificates thereof, a service of seven years as an active fireman in any fire engine, hook and ladder, hose, or supply company or salvage corps, the members of which corps shall have been enlisted from among the active firemen, or in any other association or fire department, or board of fire wardens, or as chief of any fire department, heretofore or hereafter rendered in any of the said cities, towns, boroughs, townships and fire districts in this state, such companies being under the supervision or control of the common council, township committee, board of fire commissioners or other governing board or body whatsoever, shall be taken to constitute said fireman an

exempt fireman, and to entitle him to all the rights, benefits and privileges whatsoever to which any exempt fireman now or hereafter may become entitled.

2. *And be it enacted*, That all acts and parts of acts repugnant to or inconsistent herewith be and the same are hereby repealed, and that this act shall be a public act and take effect immediately.

Passed March 5, 1890.

CHAPTER LXXIV.

An act concerning the members of disbanded, fire hose, truck or hook and ladder companies.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any board of aldermen or other governing body of any municipal body in this state shall disband any fire, hose, truck or hook and ladder company by reason of establishing a paid fire department, the members of any such company having served faithfully for three or more years at the time of such disbandment, and being in good standing on the rolls of said company, shall be entitled to "exempt certificates" issued in the same manner as exempt certificates are now issued, and that all such members holding such certificates shall be entitled to all the rights, privileges and exemptions from duties of exempt firemen; *provided*, however, that this act shall not apply to

the members of companies disbanded for insubordination or failure to faithfully perform fire duty.

2. *And be it enacted*, That this act shall take effect immediately.

Passed March 25, 1890.

CHAPTER CCLXIX.

A supplement to an act entitled "An act to incorporate the Hoboken Fire Department Fund, for the benefit of all indigent and infirm firemen of the city of Hoboken, and also their widows and orphans," approved March eleventh, one thousand eight hundred and fifty-seven.

TRUSTEES SHALL HAVE POWER TO MAKE BY-LAWS, &C.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of trustees, created by the act to which this act is a supplement, shall consist of two trustees from each engine, hose and hook and ladder company, and the exempt fire companies of the city of Hoboken, together with the chief engineer of the fire department, a majority of whom shall constitute a board for the transaction of business; and the said board of trustees shall have power to make and prescribe such by-laws, rules and regulations as to them shall seem necessary for the purposes of said corporations; *provided*, that a majority of the trustees agree thereto, and the same shall not be inconsistent with this act or the laws of this State.

ELECTION AND TIME OF MEETING OF TRUSTEES.

2. *And be it enacted*, That two trustees from each of the companies before named shall be elected from among the members thereof at the regular monthly meeting of each company held next after the passage of this act; and it shall be the duty of the presiding officer and secretary of each company to send a cer-

tified copy of the result of said election, signed by themselves as such officers, to the president of the present board of trustees, who shall, within thirty days after receiving said certificates of election, call said newly elected board of trustees together; and they shall, at their first meeting, proceed to divide said trustees into two equal classes, one class to hold office for one year, and one class for two years, and annually thereafter, in the month of April, each company shall elect one trustee for the full term of two years; and in case of the death, resignation or disability of any trustee, a person shall be duly elected to fill the unexpired term of such trustee by the company in which such vacancy occurred.

AMENDMENT.

3. *And be it enacted*, That in the first section of the act to which this act is a supplement, the word "ten" shall be stricken out, and in lieu thereof, the words "twenty-five" be inserted.

ELECTION OF OFFICERS.

4. *And be it enacted*, That at the first meeting of said board, and annually thereafter, the trustees shall elect by ballot, from among their number, a president, vice-president, secretary and treasurer, who shall hold their respective offices for one year, or until others are appointed in their places; and in case of any vacancy in any of said offices, the board of trustees shall have power to fill the same for the remainder of the current term.

5. *And be it enacted*, That sections three, four and five of the act to which this act is a supplement, be and the same are hereby repealed.

6. *And be it enacted*, That all acts or parts of acts inconsistent with the provisions of this act, are hereby repealed.

7. *And be it enacted*, That this act shall take effect immediately.

Approved March 22, 1871.

CHAPTER LXXII.

A supplement to an act entitled "An act to incorporate the city of Hoboken," approved March twenty-eighth, one thousand eight hundred and fifty-five.

WHEREAS, in the year one thousand eight hundred and seventy-one, the sum of twenty-five thousand eighty-one dollars and eighty-three cents was raised by taxation in the city of Hoboken for state and county purposes over and above the amount lawfully required to be raised in said city for said purposes; and whereas, the said sum of money remains in the treasury of said city of Hoboken unappropriated;

APPROPRIATION HOW APPLIED.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the mayor and council of the city of Hoboken be and they are hereby authorized to appropriate and use a portion of said money not exceeding the sum of ten thousand dollars, to purchase and provide such additional engines, hose and other apparatus for the extinguishment of fires as they may deem necessary.

2. *And be it enacted*, That this act shall be deemed a public act, and take effect immediately.

Approved February 18, 1873.

CHAPTER L.

An act to authorize the mayor and council of the city of Hoboken to purchase a steam fire engine and fire hose.

MAYOR AND COUNCIL MAY RAISE MONEY BY TAXATION FOR THE PURCHASE OF A STEAM FIRE ENGINE.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the mayor and council of the city of Hoboken, are hereby authorized and empowered by ordinance, to raise the sum of five thousand dollars by taxation, for the purpose of purchasing a steam fire engine and fire hose for the use of the fire department of said city, which tax shall be assessed, levied and collected at the same time, and in the same manner that other city taxes are assessed, levied and collected.

MAY CONTRACT FOR PURCHASE OF SAID FIRE APPARATUS.

2. *And be it enacted*, That the said "The Mayor and Council of the City of Hoboken," are hereby authorized and empowered to contract for the purchase of said fire apparatus forthwith; *provided*, that the cost thereof shall not exceed the sum of five thousand dollars.

3. *And be it enacted*, That this act shall take effect immediately.

Approved February 18, 1874.

CHAPTER CCVIII.

A further supplement to an act entitled "An act to incorporate the city of Hoboken," approved March twenty-eighth, one thousand eight hundred and fifty-five.

POWER OF COUNCIL TO INCREASE NUMBER OF MEMBERS OF ENGINE COMPANIES.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the council of the city of Hoboken shall have power to authorize the several fire engine companies of the said city, to increase the number of their members; provided, no company shall be composed of more than seventy-five men.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 24, 1875.

CHAPTER LXXXVII.

An act authorizing the incorporated cites and towns of the state to pay their firemen and policemen, disabled while in the discharge of their public duties, a reasonable compensation during the time they are so disabled.

COMPENSATION TO DISABLED FIREMEN, &C.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases where any firemen or policemen of any incorporated city or town of this state is disabled while in the discharge of his public duties, it shall be lawful for the common council, board of aldermen, finance committee, or other governing body of such city or town, to pay such person so disabled as aforesaid, during the time he is so disabled, such compensation, including medical attendance, as said common council, board of aldermen, finance committee, or other governing body of such city or town shall deem reasonable and proper, on the certificate of a physician describing disabilities.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 4, 1880.

CHAPTER LV.

An act to authorize the erection of engine houses in cities of this state.

MAYOR AND COMMON COUNCIL AUTHORIZED TO ERECT ENGINE HOUSES, &C.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the mayor and common council of any city in this state are hereby authorized and empowered to erect one or more buildings suitable for the use of the fire department of said city, and to purchase land whereon to erect said building or buildings; *provided*, that the aggregate cost of such land and of the erection of said building or buildings in such city shall not exceed fifteen thousand dollars.

EMPOWERED TO ISSUE BONDS AND TO PROVIDE FOR THEIR REDEMPTION.

2. *And be it enacted*, That to provide moneys necessary to carry this act into effect, each mayor and common council shall have power to issue bonds of such city, to an amount not exceeding fifteen thousand dollars, having not more than twenty years to run, and bearing interest at a rate not exceeding six per centum per annum, and to pledge the faith, credit and property of said city for the payment of the principal and interest thereof, and to provide for the redemption of said bonds by taxation.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 2, 1881.

CHAPTER CC.

An act respecting fire escapes or means of exit in and upon buildings in cities or municipal corporations.

COMMON COUNCIL, &C., AUTHORIZED TO PASS, ORDAIN AND ENFORCE ORDINANCES FOR USE OF FIRE ESCAPES.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the common council, board of aldermen or other governing body of all cities or municipal corporations in this state, are hereby authorized, empowered and required to pass, ordain and enforce ordinances and regulations and penalties, respecting the building, erection, equipment, maintenance and use of proper and efficient fire escapes or means of exit, in and upon hotels, theatres, halls, school houses and other public buildings, manufactories or other buildings where operatives are employed.

2. *And be it enacted*, That this shall be a public act, and take effect immediately.

Approved March 25, 1881.

CHAPTER CXI.

An Act respecting the fire department of cities and regulating the tenure and terms of office of officers and men employed in said fire departments.

HOW MEMBERS OF FIRE DEPARTMENT TO HOLD OFFICE.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in the several cities of the state the officers and men employed by municipal authority in the fire department of any city shall severally hold their respective offices and continue in their respective employment as such municipal officers and employees during good behavior, efficiency and residence in such city, except where, by statute, the term of any such officer and employee is determined and fixed and does not depend upon the pleasure or caprice of any municipal officer, officers or board authorized to make appointment or employment in said department; and no person shall be removed from office or employment in the fire department of any such city, or from the fire department force of any such city, for political reasons or for any other cause than incapacity, misconduct, non-residence or disobedience of just rules and regulations established or which may be established for the fire department or force of such city; *provided*, that any member of the fire force of any such city who shall be absent from duty, without leave, for the term of five days, shall be deemed deserving of expulsion from such fire force.

AUTHORITIES TO PRESCRIBE RULES FOR DEPARTMENT.

2. *And be it enacted*, That it shall be lawful, for the better government of and discipline of the fire department in the cities of the state, for the municipal authority or authorities in any city whose duty it is or may become to provide for, regulate or manage a fire department in such city, from time to time to prescribe and establish just rules and regulations respecting said department.

NOT TO BE REMOVED WITHOUT JUST CAUSE, &C.

3. *And be it enacted*, That no person whether officer or employé, in the fire department of any such city, shall be removed from office or employment therein, except for just cause, as provided in the first section of this act, and then only after written charge or charges of the cause or causes of complaint shall have been preferred against any such officer or employé, signed by the person or persons making such charge or charges and filed in the office of the municipal officer, officers or board having charge of the said fire department, and after the said charge or charges have been publicly examined into by the appropriate municipal board, officer or authority, upon such reasonable notice to the person charged, and in such manner of examination as the rules and regulations governing the same may prescribe, it being the intent of this act to give every person, against whom charges for any cause may be preferred under this act, a fair trial upon said charges and every reasonable opportunity to make his defence, if any he has, or chooses to make.

4. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act, be and the same are hereby repealed, and that this act shall take effect immediately.

Approved March 24, 1885.

CHAPTER XLI.

An Act to authorize cities of this state to compel owners of tenement-houses to construct fire-escapes thereon.

CITIES AUTHORIZED TO COMPEL OWNERS OF TENEMENT HOUSES TO CONSTRUCT FIRE ESCAPES.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for any city of this state, by general ordinance of the common council, board of aldermen, or other governing body, to provide for the construction of fire-escapes on all houses in said city, which, in their judgment, shall require the same, and to provide rules and regulations for the construction and regulation of said fire-escapes, and to provide penalties to be imposed on any owner who may refuse or neglect to comply with the provisions of said ordinance, which penalties may be recovered before any police justice or recorder of cities in which said offices exist, or before any justice of the peace in any other city.

2. *And be it enacted*, That all acts and parts of acts and charter provisions inconsistent herewith be and they are repealed.

Approved March 1, 1886.

CHAPTER LXIII.

An act relative to fire escapes.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all buildings now or hereafter erected in which twenty or more persons live or congregate or are employed, temporarily or otherwise, above the first ground floor thereof, shall have one or more, as the proper authority shall direct, external wrought iron fire escapes, of such dimensions and character and subject to regulation and construction as the said proper authority shall designate.

2. *And be it enacted*, That in all incorporated municipalities the board of aldermen, city council or borough commissioners shall provide for the enforcement of the provisions of this act by ordinance.

3. *And be it enacted*, That in all sections outside of incorporated municipalities township committee shall have power to enforce the provisions of this act.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 24, 1890.

CHAPTER XLII.

An Act to enable cities and municipalties of this state to create and maintain a paid fire department.

CITIES AUTHORIZED TO CREATE AND MAINTAIN PAID FIRE DEPARTMENTS, &C.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the common council, board of aldermen or other governing body of any city or municipality of this state, at present without a paid fire department, to provide by general ordinance for the creation and maintenance of a paid fire department for such city or municipality, and also for the appointment by the mayor of such city or municipality, by and with the consent of the common council, board of aldermen or other governing body therein, of four citizens of such city or municipality, who shall hold office for the period of three years from the date of their appointment, and who shall serve without salary or compensation, who, with the said mayor, shall constitute a board of fire commissioners of said city or municipality, the powers and duties of which board shall be prescribed and regulated by the said ordinance.

ACT, WHEN TO TAKE EFFECT.

2. *And be it enacted*, That this act shall take effect immediately; *provided*, that its provisions shall remain inoperative in any city or municipality until assented to by a majority of the legal voters thereof

at any regular charter election to be held in such city or municipality; and the city clerk of such city or municipality shall, on the resolution of the common council, board of aldermen or other governing body of such city or municipality, provide for each elector voting at such election, ballots, to be printed or written, or partly printed or partly written, on which shall be either the words "For a paid fire department" or "Against a paid fire department."

BONDS MAY BE ISSUED FOR CREATING AND MAINTAINING FIRE DEPARTMENTS, AND FOR THE PURCHASE OF ENGINES, &C.

3. *And be it enacted*, That for the purpose of creating and maintaining said fire department, and for purchasing the necessary engines, utensils and apparatus necessary for the purpose, the said common council, board of aldermen or other governing body of said city or municipality shall have power to issue bonds to an amount not exceeding one thousand dollars to each one thousand inhabitants of such city or municipality, which bonds shall have not more than twenty nor less than ten years to run, and shall bear interest at a rate not to exceed five per centum per annum, and shall pledge the faith, credit and property of said city for the payment of the principal and interest thereon, and shall provide for the redemption of the same by taxation.

4. *And be it enacted*, That all acts and parts of acts and charter provisions inconsistent herewith be and they are hereby repealed.

Approved March 1, 1886.

CHAPTER LI.

An Act to amend an act entitled "A supplement to an act entitled 'An act to remove the fire and police departments in cities of this state from political control,'" approved May second, one thousand eight hundred and eighty-five, which supplement was approved January twenty-seventh, one thousand eight hundred and eighty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the supplement to the act entitled "An act to remove the fire and police departments in cities of this state from political control," approved on the twenty-seventh day of January, one thousand eight hundred and eighty-six, be and the same hereby is amended to read as follows:

HOW EXPENSES TO BE ESTIMATED AND ASSESSED.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That on or before the first day of March, in each year, the said boards of fire and police commissioners, respectively, shall estimate in detail the expenses of the fire and police departments for the ensuing year, and shall transmit such estimate to the common council of such city, which sums so estimated the said body shall caused to be assessed and raised by making provision therefor in the tax ordinance of each year; *provided, however*, that if such estimate for the fire departments shall in any year exceed an amount equal to one mill and eleven-hundredths of a mill on one dollar of the total valuation of the assessed property

in such city, as ascertained by the assessors' returns of the previous year, and if such estimate for the expenses of the police department shall in any year exceed an amount equal to one mill and nine-tenths of a mill on every one dollar upon such valuation, that it shall be optional with such common council whether the excess or any part thereof be raised by taxation in such city or not; *provided, further*, that the said boards shall not make any expenditure or incur any indebtedness exceeding the amount so appropriated and raised.

FINES, PENALTIES, &C., FROM POLICE COURTS, AND RECEIPTS FROM SALE OF MATERIAL TO BE USED FOR SUPPORT OF FIRE DEPARTMENTS.

2. *And be it enacted*, That all fines, penalties and other receipts from police courts, where such courts are or may be established in such cities, shall be paid into the treasury of such city, to be appropriated and used as the common council may direct, and that all receipts from the sale of material or from other sources, which may be received by the fire department in any such city, shall be used by the said board for the support of such department in addition to the appropriation made therefor by the common council, as herein provided.

DUTIES OF CITY TREASURER.

3. *And be it enacted*, That whenever and as often as the common council of any such city shall, by resolution, direct the treasurer of any such city to credit the said boards with a sum or sums of money for the support of their respective departments, on account of the appropriations so to be made as aforesaid, it shall be the duty of such treasurer, immediately upon receipt of a certified copy of such

resolution, to enter on his books the sum or sums of money therein mentioned to the credit of the respective boards, and to pay on presentation all drafts drawn upon him, properly signed, countersigned and attested as herein provided, to an amount not exceeding the balance remaining on his books to the credit of the said boards respectively, and to preserve such drafts to be exhibited in the settlement of his accounts as treasurer of such city, and that hereafter all drafts or warrants for the payment of bills and claims for police and fire purposes which have been approved and ordered paid by the police or fire commissioners, shall be issued by the said boards and signed by the president and secretary thereof, shall be delivered to the city auditor, accompanied by the vouchers therefor; and the said auditor shall countersign said warrants and deliver them to the person or persons to whom the same may be made payable, and keep a record thereof as required for other accounts of the city, and no such draft or warrant shall be paid by the city treasurer unless so countersigned; and it shall be the duty of the secretary of the said boards of police and fire commissioners, at the end of each month, to deposit in the office of the said auditor a report of the amounts due to the several members of the police and fire departments for salaries for the current month for which warrants are so issued, and the said auditor shall take a proper receipt from all persons receiving warrants on account of the police and fire departments in a book kept for such purposes.

COMPENSATION OF COMMISSIONERS.

4. *And be it enacted*, That each of such commissioners shall receive an annual salary not exceeding one thousand dollars, to be paid as specified in the

act to which this is a supplement, and that the duties of clerk and secretary of said boards respectively, where distinct offices by these names are created, may be performed by the same person in all cases where the said boards shall so order and direct.

5. *And be it enacted*, That all acts and parts of acts inconsistent with this act be and the same are hereby repealed, and that this act shall take effect immediately.

Approved March 6, 1886.

CHAPTER XIV.

An Act authorizing cities to purchase land and to erect buildings thereon for fire department purposes, and to provide for the payment thereof.

AUTHORIZED TO PURCHASE LAND AND ERECT BUILDING FOR USE OF FIRE DEPARTMENT.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the proper authority or authorities in cities of this state to purchase a plot of ground and cause to be erected thereon a suitable building for the use of the fire department of such cities, at a cost not to exceed seven thousand dollars.

WORK, &C., TO BE DONE BY CONTRACT.

2. *And be it enacted*, That all work and labor done and materials furnished for the erection of said building shall be done and finished by contract, awarded upon at least two weeks' advertisement in the two official newspapers having the largest circulation, to the lowest responsible bidder or bidders for the same.

AUTHORIZED TO ISSUE BONDS.

3. *And be it enacted*, That the municipal board of any such city having the management and control of the finances of such city are hereby authorized and empowered to issue bonds, either registered or coupon, to an amount not exceeding seven thousand dollars, to raise money to pay for the purchase of such plot and the erection and construction of

said building; that said bonds shall be payable in seven years from the date thereof, and shall bear interest not exceeding five per centum per annum, to be sold at not less than par, and that there shall be a sufficient sum appropriated and put in the tax levy of such city each year to pay the interest on such bonds, and also there shall in each year be appropriated and put in the tax levy of such city, the further sum of one thousand dollars towards the payment of said bonds, to be properly invested and deposited in the sinking fund of such city, to meet the payment of said bonds when they shall become due and payable.

4. *And be it enacted*, That this act shall take effect immediately.

Approved February 25, 1889.

CHAPTER CCXXXVIII.

An Act to authorize cities to sell fire engine-houses and lands and to purchase other lands for fire-house purposes.

LAWFUL TO SELL AND PURCHASE LANDS AND BUILDINGS FOR FIRE-HOUSE PURPOSES.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any city in this state in which two fire engine-houses are located together, or next to each other, to sell the land and buildings, and with the proceeds of such sale purchase other lands in such city and build fire-houses thereon; *provided*, that the fire houses so erected and the lands purchased for fire purposes shall not be contiguous to each other.

COST OF ERECTING FIRE-HOUSES, HOW PAID.

2. *And be it enacted*, That for the purpose of paying the total cost of the erection of such fire-houses the common council, board of aldermen, or other governing body of such city, are hereby empowered to borrow a sum of money not to exceed fifteen thousand dollars, and to issue registered bonds for the same under the seal of such city, bearing interest at a rate not to exceed four per cent. per annum, having not longer than fifteen years to run, and pledging the faith, credit and property of such city for the payment of the same; and to provide for the payment thereof by taxation.

3. *And be it enacted*, That this act shall be deemed a public act, and shall take effect immediately.

Approved May 7, 1889.

ACTS

RELATING TO

HEALTH, HOSPITALS

AND

PUBLIC BATHS.

CHAPTER CLXXI.

An Act for the improvement of the sanitary condiiion of cities.

BOARD OF HEALTH TO VIEW DISTRICT SAID TO HAVE INSUFFICIENT DRAINAGE.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever a petition, signed by at least twenty-five freeholders, residents of any particular city in this state, situated in any county of this state having a county board of health, stating that any particular place or district in such city is in a condition detrimental to the public health of such city or any part thereof by reason of insufficient drainage, it shall be the duty of such board of health, to forthwith appoint a time and place to meet for the purpose of viewing the district said to be insufficiently drained, at which time and place so appointed said board shall meet and proceed to the place or district designated in such petition, and carefully to inspect and examine the same.

BOARD OF HEALTH TO MAKE CERTIFICATE TO MAYOR AND COUNCIL.

2. *And be it enacted*, That if the board of health, or a majority of the members thereof, are of opinion, that the place or district by them viewed and inspected, pursuant to the provisions of the first section of this act, is in a condition which is detrimental to the public health by reason of insufficient drainage, and that it is advisable and proper that the

same should be drained, they shall so certify to the mayor and council, the mayor and aldermen, or other governing body of the city wherein such insufficiently drained place or district is situate.

COMMON COUNCIL TO DIRECT PLANS AND SPECIFICATIONS TO BE MADE FOR THE BUILDING OF SEWERS, &C.

3. *And be it enacted*, That upon receiving the certificate of the board of health, that any particular place or district is in a condition detrimental to the public health by reason of insufficient drainage, and that it is advisable and proper that the same should be drained, the corporate authorities of the city in which such place or district requiring to be drained is situated may appoint a competent civil engineer or engineers, to make plans and specifications for the building of a sewer or sewers, the erection and construction of pumps, dykes, dams, tidebanks, and such other works as may be necessary to secure a sufficient and proper drainage of the place or district requiring to be drained.

DUTY OF THE CORPORATE AUTHORITIES ON RECEIVING THE REPORT OF THE CIVIL ENGINEER.

4. *And be it enacted*, That upon receiving the report of the civil engineer or engineers appointed pursuant to the preceding section of this act, the corporate authorities of such city may by ordinance, authorize the construction of a sewer or sewers, and the erection of pumps, dykes, dams, tidebanks and such other works as may be necessary to secure sufficient and proper drainage of the place or district requiring to be drained.

CONTRACTS, HOW AWARDED.

5. *And be it enacted*, That the corporate authorities of such city, in case they decide to do the work, shall advertise for proposals for doing and constructing said works, and shall award the contract or contracts to the lowest bidder or bidders therefor, in the same manner as they advertise for proposals and award contracts for other public improvements in such city.

CERTIFICATES OF INDEBTEDNESS MAY BE ISSUED.

6. *And be it enacted*, That such city shall have power to issue certificates of indebtedness or improvement certificates to the contractors for such works, or to raise money to pay such contractor or contractors, by issuing and selling registered or coupon bonds, pledging the property and credit of such city for the payment thereof, payable in not less than two nor more than five years from the date thereof, with interest at the rate of not more than six per centum per annum; *provided*, the sale of such bonds shall be advertised for at least ten days in the official paper or papers of such city, such other papers as the mayor and council of said city shall direct, and shall be sold to the highest bidder or bidders therefore; *and provided further*, that no more bonds shall be issued and sold than are necessary to raise sufficient money to complete such sewer or sewers, and other works necessary to secure the drainage provided for by this act.

COSTS AND EXPENSE TO BE ASSESSED UPON REAL ESTATE BENEFITTED.

7. *And be it enacted*, That the costs and expense of constructing such sewer or sewers, pumps, dykes,

dams, tidebanks and such other works as may be deemed necessary for the purpose aforesaid, shall be assessed upon the real estate specially benefitted thereby, in proportion to the benefit received; and that any moneys which may be collected from assessments for any improvements made under the provisions of this act shall constitute a sinking fund, and be inviolably applied to the payment of such bonds or improvement certificates as may have been issued for the payment of said improvement.

ASSESSMENT, HOW MADE AND COLLECTED.

8. *And be it enacted*, That such assessment shall be made and collected in the same manner as assessments are made for the construction of sewers in other cases in such city.

EXCESS OF COSTS AND EXPENSES, HOW RAISED.

9. *And be it enacted*, That in case the cost of constructing such sewer or sewers, and the erection and construction of such other works as are deemed necessary for the purpose aforesaid, shall exceed the benefit to lands specially benefitted thereby, such excess of costs and expenses shall be raised by general taxation, to be assessed, levied and collected in the same manner as taxes for other city purposes are assessed, levied and collected.

ANNUAL APPROPRIATION TO BE MADE.

10. *And be it enacted*, That in case it is necessary to erect pumps or other works which will require to be operated by steam power or by other artificial means, requiring an annual expenditure of money to operate the same, it shall be the duty of the inhabitants of such city, or of the board of

tax commissioners, the board of works, or other body having authority to make appropriations of money to be raised by taxation, to appropriate and cause to be raised annually by taxation, a sufficient sum of money to run and operate such pump or pumps or other works, for the purpose of securing a proper drainage of the place or district required to be drained.

APPOINTMENT OF ENGINEER OR ENGINEERS, &C.

11. *And be it enacted*, That the corporate authorities of such city in which such drainage works shall be erected, shall have power to appoint an engineer or engineers and such other servants and workmen as may be necessary to operate the same, and to fix the compensation to be paid to them respectively.

BONDS NOT TO ISSUE IN EXCESS OF LIMIT PROVIDED BY CHARTER.

12. *And be it enacted*, That no city shall issue bonds in excess of the limit provided by its charter or the several amendments of the same; *and provided further*, that any issue of bonds under this act shall not increase the total indebtedness of any such city to an amount exceeding eight per centum of the assessed valuation of the taxable property of such city.

13. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1879.

CHAPTER CLIX.

An Act to authorize the abatement of nuisances in cities, and to make the cost and expense of such abatement a lien upon lands wherein such nuisances existed.

GRAND JURY UPON PETITION OF FIVE FREEHOLDERS, MAY INVESTIGATE AND MAKE PRESENTMENT TO COURT OF EXISTENCE OF NUISANCES.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever a petition, signed, by at least five freeholders, residents of any city of this state, stating that a nuisance exists upon any lots or land within or adjacent to the boundaries of any such city, by reason of stagnant water, or because such lots or lands are not filled in sufficiently to make them dry and healthy, or because buildings are in danger of falling for want of proper foundation, shall be presented to the grand jury of the county in which such city may be situate, it shall be the duty of such grand jury to investigate the matters contained in such petition forthwith, and for that purpose such grand jury shall have power to call and examine witnesses, and to view the premises whereon such nuisance is alleged to exist; and if such grand jury shall be of the opinion that a nuisance does exist, they shall forthwith make presentment to the court of oyer and terminer of such county, that in their judgment and opinion such nuisance does exist and should be abated.

PROSECUTORS OF PLEAS TO APPLY TO COURT FOR TRIAL OF MATTERS PRESENTED.

2. *And be it enacted*, That as soon as said presentment shall have been made, it shall be the duty of the prosecutor of the pleas of such county to apply to said court of oyer and terminer to fix a time for the trial of the matters contained in such presentment, and such time having been appointed, the said prosecutor shall serve a notice upon the owner of the premises whereon such nuisance is alleged to exist, informing such owner of the time and place when and where the truth of the matters contained in such presentment will be tried, and notifying such owners to appear and make defence; which notice shall be served personally upon such owner, if found in the state, and if not so found, then said notice shall be served in such manner as the court shall order, either by publication or personal service out of the state.

COURT TO AWARD A VENIRE TO SUMMON A JURY TO TRY CAUSE.

3. *And be it enacted*, That said court shall also award a venire to summon a jury, as in other trials of issues in said court; and on the day fixed for trial the said matter shall be tried, unless adjourned by order of the court, whether the owner of such premises appear or not, and such trial shall be conducted in all respects as other trials by jury in said court; and the court shall have full power and authority to make all necessary orders or rules for the speedy and expeditious determination of the matters contained in such presentment.

COSTS PAID BY PETITIONERS IF JURY DETERMINE THAT NO NUISANCE EXISTS.

4. *And be it enacted*, That if such jury shall determine that no nuisance exists as set forth in such presentment, judgment shall be entered accordingly and the costs be paid by the parties petitioning, and execution may be issued therefore; but if such jury shall determine that such nuisance does exist, then the court shall give judgment against the owner of the premises whereon such nuisance is found to exist, and also that the nuisance be abated by such early day as the court shall appoint; and if it shall appear to the court by affidavit that such nuisance has not been abated by such day, then it shall be the duty of the clerk of the court to certify the judgment of the court to the municipal authorities of the city wherein such nuisance is found to be, and such authorities shall thereupon proceed to abate such nuisance in the most practical and economical manner.

COSTS AND EXPENSES OF ABATEMENT TO BE A FIRST LIEN UPON THE LANDS.

5. *And be it enacted*, That as soon as such nuisance shall have been abated, a complete statement of the cost and expenses of such abatement shall be presented to the corporate authorities of such city, and if they approve the same such cost and expense shall thereupon become a first and paramount lien upon the land and premises wherein such nuisance had existed, in the same manner that taxes are a lien under the charter of such city; and they shall transmit the same to the collector or receiver of the revenues of such city, who shall proceed to collect the amount of such cost and expense, as taxes and assessments for improvements are collected.

FAILURE TO PAY, LANDS TO BE SOLD.

6. *And be it enacted*, That if such cost and expense of abatement be not paid to such collector or receiver within ninety days from the date of approval by the corporate authorities of such city, such collector or receiver shall return the same in like manner as return is made of unpaid taxes and assessments, and the corporate authorities shall thereupon direct the sale of the lands whereon such nuisance had been abated, and the clerk of such city shall thereupon proceed to advertise, and sell the same in the same manner as lands are sold under the charter of such city for non-payment of taxes and assessments; and a declaration of sale shall be issued to the purchaser thereof, as under sale of taxes; *provided*, that the owner of such premises or any person holding any encumbrance thereon, shall have such right to redeem such premises as is provided by the charter of such city, in cases of sale for non-payment of taxes and assessments.

7. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act, be and the same are hereby repealed, and that this act shall take effect immediately.

Approved March 24, 1881.

CHAPTER CCIX.

A supplement to an act entitled "An act for the improvement of the sanitary condition of cities," approved March fourteenth, one thousand eight hundred and seventy-nine.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That section one of the act to which this a supplement be and the same is hereby amended to read as follows :

BOARD OF HEALTH TO VIEW DISTRICT, SAID TO HAVE INSUFFICIENT DRAINAGE.

That whenever a petition signed by at least twenty-five freeholders, residents of any particular city in any county having a county board of health, stating that any particular place or district in said city is in a condition detrimental to the public health, by reason of insufficient drainage, shall be presented to such board of health, it shall be the duty of such board to forthwith appoint a time and place, when and where they will meet to consider said petition ; at which time and place said board shall so meet, and shall proceed to the place or district designated in such petition, and carefully inspect and examine the same.

SECTION AMENDED.

2. *And be it enacted*, That section five of the act to which this is a supplement, be amended to read as follows :

CONTRACTS, HOW AWARDED.

That the corporate authorities of such city, in case they shall decide to do the work, shall advertise for proposals therefor, as in cases of other improvements made under the charter of such city, and shall award the contract or contracts therefor to the lowest responsible bidder or bidders, who will comply with all the requirements of such authorities; *provided, however*, that all bids may be rejected and the work readvertised if the public interest shall require.

3. *And be it enacted*, That section six of the act to which this is a supplement be amended to read as follows:

CERTIFICATE OF INDEBTEDNESS MAY BE ISSUED, OR MAY ISSUE BONDS.

That the corporate authorities of such city shall have power to issue certificates of indebtedness or improvement certificates to the contractors for such works, or to raise money to pay for said works, by issuing and selling registered or coupon bonds, pledging the credit and property of such city for the payment thereof, payable in not less than two nor more than twenty years from the date thereof, at the discretion of such city authorities, with interest not exceeding six per centum per annum; which bonds shall be advertised for sale in the official paper or papers of such city, and such other papers as may be designated by the corporate authorities, and shall be sold to the highest bidder; *provided*, no more bonds shall be issued than shall be necessary to raise sufficient money to pay for the works provided in this act, and such lands as may be purchased or taken under this act, or the act to which this is a supplement, whereon to locate and place such works; *provided further*, that nothing in this act, or the act to

which this is a supplement, shall authorize the incurring of any bonded or other indebtedness of such city in excess of ten per cent. of the average assessed valuation of property in such city for five years next previous to the time of incurring such debt or making such improvement.

CIVIL ENGINEER OR ASSISTANTS MAY ENTER UPON ALL LANDS FOR SURVEYING, LEVELING AND LAYING OUT ROUTE OF SEWERS, DRAINS, &C.

4. *And be it enacted*, That it shall be lawful for the civil engineer or engineers appointed by the corporate authorities of any city to make plans and specifications for the sewers or other works or structures mentioned in the third section of the act to which this is a supplement, his or their agents and assistants, or others in their employ, to enter upon all lands or waters within the place or district so requiring to be drained as aforesaid thereto, for the purpose of exploring, surveying, leveling and laying out the route and location of any sewer or sewers, pumps, dykes, dams, tidebanks, or such other works as may be necessary to secure sufficient and proper drainage of such place or district, doing no unnecessary injury to private or other property, and when the route or routes, or location or locations of such necessary works or structures shall have been determined upon, and a survey of such route or routes, location or locations, deposited in the office of the clerk of such city, then it shall be lawful for the corporate authorities of such city, by ordinance, to authorize the construction of a sewer or sewers, and the erection of pumps, dykes, dams, tidebanks, and such other works and structures, as may be necessary to secure sufficient and proper drainage of the place or district requiring to be drained.

CONTRACTORS, WORKMEN AND OTHERS MAY ENTER UPON AND TAKE POSSESSION OF LANDS, &C.

5. *And be it enacted*, That it shall be lawful for the corporate authorities of such cities, by their contractors, workmen and other persons in their employ, to enter upon, take possession of, have, hold, use, occupy and excavate any such lands, and to erect such pumps, dykes, dams, tidebanks and other such works and structures, and to do all other things which may be suitable and necessary to secure the sufficient and proper drainage of the place or district requiring to be drained, subject to such compensation as is hereinafter directed; *provided, always*, that the payment, or the tender of the payment of all damages for the occupany of the lands through or upon which said pumps, dykes, dams, tidebanks, ditches, drains, sluices, and such other works or structures may be laid out or located, be made before the corporate authorities of such city, or any person under their direction, or in their employ, shall enter upon or break ground in the premises, except for the purpose of surveying and laying out said dykes, dams, tidebanks, sewers and other works or structures, unless the consent of the owner or owners of such land be first had and obtained.

CORPORATE AUTHORITIES MAY CONTRACT WITH OWNERS OF LAND REQUIRED.

6. *And be it enacted*, That it shall be lawful for the corporate authorities of such city, or their officers or agents, to contract with the owners of any land that may be required for the purpose of this act for the use and purchase thereof; and in case they cannot agree with such owner or owners, or if, by reason of the absence or legal incapacity of such owner or owners, no such agreement can be made, a

particular description of the land so required for the erection and construction of such pumps, sewers, dykes, tidebanks and other works and structures shall be given in writing, under the oath or affirmation of some engineer or proper agent of such city, and also the name or names of the occupant or occupants, if known, and their residences, if the same can be ascertained, to any justice of the supreme court, who shall cause the said city authorities to give notice thereof to the persons interested, if known, and in this state, or if unknown, or out of this state, to make publication thereof, as he shall direct, for any term not less than one week, and not more than one month; and to assign a particular time and place for the appointment of the commissioners hereinafter mentioned, at which time and place, upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint three disinterested commissioners, freeholders of said county, to assess the price or value of said lands and all damages sustained by the erection or construction of such works, which commissioners shall be sworn or affirmed faithfully to execute the duties of said appointment, and after like notice to said owners of the time and place of meeting of said commissioners, shall meet, view the premises, and hear the parties and evidence, if desired, and thereupon make such decision, award and report as to the value of said land and the damages sustained. as to them shall seem just and proper, and within ten days thereafter transmit such decision, report, and award together with a description of the said land and the quantity taken, in writing, under their hands and seals, or under the hands and seals of any two of them, to the clerk of the city wherein said lands are, together with the aforesaid description of the land,

and the appointment and oaths or affirmations aforesaid, there to remain as a public record, and thereupon and upon payment, or tender of payment, of the amount so awarded as hereinafter provided, the corporate authorities of such city are hereby empowered to enter upon and take possession of said lands for the purposes aforesaid, and the said city shall thereby become seized and possessed in fee simple of the land so valued and appraised as aforesaid.

PARTIES AGGRIEVED MAY APPEAL TO CIRCUIT COURT.

7. *And be it enacted*, That if either party shall feel aggrieved by the decision and award of said commissioners, the party so aggrieved may appeal to the circuit court of the county in which such city may be situate, at the next term after such decision and award, by proceeding in the form of petition to the court, with five days' notice in writing to the opposite party of such appeal, which proceeding shall vest in said circuit court full right and power to hear and determine the same; and if required, said court shall award a venire, and direct a proper issue to be framed for the the trial of said controversy; and may, in its discretion, order a jury to be struck, and a view of said premises to be had, and the said issue to be tried at the next term of said court, to be holden in said county, upon like notice, in the same manner as other issues in the said court are tried; and it shall be the duty of the said jury to assess the value of the said land and all damages sustained, and if the said jury shall find a greater sum than shall have been awarded by said commissioners, then judgment shall be given against said city, with costs, and execution awarded therefor; but if said jury shall be applied for by said owner or owners, and shall find a less

sum than shall have been awarded by the commissioners, the costs shall be paid by said owner or owners, and either deducted out of said sum found by said jury or execution awarded therefor, as the court shall direct, but such application shall not prevent the said city from taking the said land on filing the report aforesaid, the value or damages being first paid, or upon a refusal to receive the same upon a tender thereof, or the owner or owners thereof being unknown or out of the state, or under a legal disability, the same being first paid into the circuit court of said county, and the party or parties entitled to receive the amount assessed by the commissioners, may, upon tender thereof being made, receive the same without being barred thereby from his or her appeal from the report of the commissioners.

8. *And be it enacted*, That this act shall take effect immediately, and that all acts and parts of acts, either general or special, inconsistent with the provisions of this act or the act to which this is a supplement, be and the same are hereby repealed.

Approved March 25, 1881.

CHAPTER XXIV.

An Act to authorize cities to made additional appropriations for purposes of public health.

ADDITIONAL APPROPRIATION, WHEN AND HOW MADE.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever the regular annual appropriation in any city, made for purposes of public health, shall be found, on account of the prevalence of epidemic or contagious disease or diseases, to be inadequate for the carrying out and enforcement of proper measures to preserve and protect the public health, it shall be lawful for the board of aldermen or common council, or other body charged by law with the appropriation of moneys for city purposes, of such city, to authorize, by resolution, the appropriation and expenditure of such additional sum as shall be necessary for the purposes aforesaid; and in case there shall not be sufficient surplus money in the city treasury, not otherwise appropriated, to answer such additional expenditure, it shall be lawful for the authorities of the city provide therefore by temporary loan or loans, and the amount of such loan or loans shall be incorporated in the next annual tax levy.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 13, 1883.

CHAPTER CLX.

A Further Supplement to an act entitled "An act concerning the protection of the public health and the record of vital facts and statistics relating thereto," approved March eleventh, one thousand eight hundred and eighty, and the supplement thereto, approved March thirty first, one thousand eight hundred and eighty-two.

BOARD OF HEALTH EMPOWERED TO PASS, ALTER OR AMEND ORDINANCE.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in addition to the powers conferred by the act and the supplement thereto to which this is a supplement, the board of health of any city, town, borough or other form of incorporated town or village government in this state shall have power at any stated or adjourned meeting of such board to pass, alter or amend ordinances in relation to the public health in such city, for the following purposes, to wit:

TO REGULATE AND CONTROL CONSTRUCTION OF CESSPOOLS, &C.

I. To regulate and control the method of construction, the location, the method or manner of emptying or cleansing and the time or frequency of cleansing, of all cesspools and privy vaults.

HOUSE DRAINAGE AND PLUMBING.

II. To regulate and control the mode of connec-

tion of house drainage and plumbing with outside sewers, cesspools or other receptacles, and to enforce rules and regulations relating thereto.

TO PROTECT WATER SUPPLY AND STREAMS.

III. To protect the public water supply and to prevent the pollution of any stream or water or well, the water of which is used for domestic purposes, and in order not to be used or to close any well, the water of which is polluted.

TO PREVENT CONTAGIOUS DISEASES.

IV. To remove to a suitable place any case of contagious or infectious disease and disinfect premises where the board of health declares that the removal is necessary for the public health and without undue risk to the person or persons thus diseased.

TO REGULATE BURIAL.

V. To regulate the burial and disinterment of human bodies in accordance with the laws of this state.

BOARDS MAY ENFORCE ORDINANCES AND COLLECT PENALTIES.

2. *And be it enacted*, That in the enforcement of ordinances thus declared as to the matters and subjects herein specified besides or instead of modes of procedure provided in other laws relating to these subjects, said board of health may proceed for the enforcement of laws or ordinances and for the collection of penalties, according to the provisions of the law and the supplement thereto to which this is a supplement.

3. *And be it enacted*, That this act shall take effect immediately.

Approved April 21, 1884.

CHAPTER XLIV.

An Act authorizing the establishment of hospitals in the cities of the state.

CITY AUTHORITIES AUTHORIZED TO ESTABLISH HOSPITAL.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the legislative or governing body of any city in this state, whenever in its judgment the public needs require it, to establish and maintain therein a hospital which shall be devoted exclusively to the treatment and relief of the indigent sick and disabled of said city; all property acquired under the provision of this act shall belong to and be vested in the municipality wherein such hospital is established; and the said municipality, by its corporate name, shall and may sue and be sued, answer and be answered unto, in all courts and elsewhere, in all manner of actions, suits, complaints and demands whatsoever, growing out of the creation and maintenance of the said institution.

TO BE MANAGED BY BOARD OF FIFTEEN DIRECTORS, TO CONSIST OF.

2. *And be it enacted*, That the said hospital, when established as aforesaid, shall be managed and controlled by a board of directors, consisting of fifteen persons, of which board the mayor of said city, the president of its legislative department, and the chairman of its finance committee or its board of finance (where such board exists), shall be *ex officio* members; the remaining twelve persons who shall constitute,

with the officers already named, the first board of directors, shall be chosen by the mayor of the said city wherein said hospital is established; they shall be residents and electors of said city; and of said board and all boards subsequently chosen, at least three shall be members of the medical profession, who shall also be members of the medical staff of said hospital.

BOARD TO BE DIVIDED INTO CLASSES.

2. *And be it enacted*, That within ten days after the selection of a board of directors as aforesaid, the persons so selected shall meet, and, by lot or otherwise, divide themselves into three classes of four persons each, each class to serve respectively one, two and three years; but nothing herein contained shall prevent the re-election, as hereinafter provided, of any member or members of said classes whose term or terms may so expire.

ANNUAL ELECTION TO BE HELD.

4. *And be it enacted*, That within one year after the creation of said board, and annually thereafter, on such day as the board may by rule prescribe, an election shall be held by ballot by the said board, of three persons to serve as directors in place of the class whose term of service shall expire that year, and the persons so elected shall hold their office for three years; and in case of the death, resignation, or removal of any director, the vacancy occasioned thereby may be filled by a majority of the board of directors for the unexpired term of the person so dying resigning or removing.

AUTHORIZED TO MAKE BY-LVWS, &C.

5. *And be it enacted*, That said board of di-

rectors shall have power and authority to make and establish, from time to time, such by-laws and regulations as they may deem necessary or proper for the efficient management of said hospital and the conduct of its affairs; *provided, however*, that no regulations of said directors, shall allow of any preference being shown in the admission of patients, or in granting relief to the sick or distressed, on account of difference in religious faith, or color, or the birthplace or parentage of the applicants for treatment.

MAJORITY SHALL CONSTITUTE A QUORUM.

6. *And be it enacted*, That a majority of the said board shall constitute a quorum for the transaction all business relating to the said hospital; and the said board shall annually choose from its members a president, vice president, and secretary, and shall have power to appoint such physicians and surgeons, superintendents and matrons, assistants and servants, as the demands of the said may require.

TO BE MAINTAINED BY TAXATION.

7. *And be it enacted*, That there shall be raised in each annual tax lex levy of any city wherein said hospital is established, an amount not exceeding fifteen thousand dollars, which shall be used only for the support and maintenance of such hospital.

8. *And be it enacted*, That this act shall take effect immediately.

Approved February 23, 1883.

CHAPTER V.

A Supplement to an act entitled "An act authorizing the establishment of hospitals in the cities of the state," approved February twenty-third, one thousand eight hundred and eighty-three.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section four of the act entitled "An act authorizing the establishment of hospitals in the cities of the state," approved February twenty-third, one thousand eight hundred and eighty-three, be so amended as to read as follows:

ANNUAL ELECTION OF DIRECTORS TO BE HELD.

[4. *And be it enacted*, That within one year after the creation of said board, and annually thereafter, on such day as the board may by rule prescribe, an election shall be held, by ballot, by the said board, of four persons to serve as directors in place of the class whose term of service shall expire that year, and the persons so elected shall hold their office for three years; and in case of the death, resignation or removal of any director, the vacancy occasioned thereby may be filled by a majority of the board of directors, for the unexpired term of the person so dying, resigning, or removing.]

2. *And be it enacted*, That this act shall go into effect immediately.

Aproved February 13, 1884.

CHAPTER LXXVI.

An Act to enable cities which have no city hospital to assist in maintaining hospitals located in such city.

CITIES MAY MAKE APPROPRIATION FOR SUPPORT OF PATIENTS IN HOSPITALS, AND TO REGULATE THE SENDING OF PATIENTS AND TERMS OF PAYMENT BY ORDINANCE.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for any city in this which has no hospital located therein maintained by such city, to make an appropriation of a sum of money not exceeding fifteen hundred dollars each year in the same manner that appropriations for other municipal purposes are made, which sum so appropriated shall be included in the annual levy of such city and collected in the same manner and at the same time as other city taxes, and shall be applied to the purpose of supporting and maintaining such indigent patients as may be sent by order of any city physician, overseer of the poor, or other proper authority of such city to any hospital or hospitals supported by private charity and located in such city; the moneys so raised shall be kept as a separate fund, known as the hospital fund, and shall not be used for any other purpose whatever; and such city shall have power, by ordinance, to regulate the mode of sending such patients to such hospital or hospitals, and also the mode and terms of paying for the care and maintenance of such patients so sent to such hospital or hospitals.

2. *And be it enacted*, That all acts and parts of acts inconsistent herewith be and they are hereby repealed,

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 22, 1886.

CHAPTER CXLVIII.

An Act to authorize cities of this state to purchase, construct and maintain a public bath.

CITIES AUTHORIZED TO PURCHASE, CONSTRUCT, MAINTAIN AND REGULATE A PUBLIC BATH.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for any city of this state bordering on any river or navigable stream of water, through its common council, board of aldermen or other governing body, to purchase, construct, maintain and regulate a public bath for the use and convenience of the inhabitants of such cities, and may hire or lease sufficient space on the shore of such river or navigable stream to accommodate the said bath.

AUTHORIZED TO ISSUE BONDS FOR THE PAYMENT OF COST OF PURCHASING, &C.

2. *And be it enacted*, That the mayor and common council or other municipal authority of such cities shall have power to issue bonds of such city for the payment of the cost of the purchase, construction and maintenance of said bath, and the ground and water front necessary for the accommodation of the same, which bonds shall have not more than ten or less than five years to run, and shall bear interest at the rate of five per centum per annum, and shall pledge the faith, credit and property of said city for the redemption of said bonds by taxation.

3. *And be it enacted*, That all acts and parts of

acts inconsistent herewith be and they are hereby repealed.

4. *And be it enacted*, That this act shall be deemed to be a public act and shall take effect immediately.

Approved April 12, 1886.

ACTS

RELATING TO THE

MAYOR,

CITY CLERK, ASSISTANT CITY CLERK,

CITY TREASURER, ASSISTANT CITY TREASURER,

CORPORATION ATTORNEY,

COLLECTOR OF REVENUE,

ASSESSOR,

CHAIRMAN OF COUNCIL,

COMPTROLLER,

OFFICERS, DISABILITY OF,

CITY PHYSICIAN,

CHIEF ENGINEER OF PUBLIC IMPROVEMENTS,

INSPECTOR OF BUILDINGS,

INSPECTORS OF PUBLIC WORKS,

VETERANS, (TENURE OF OFFICE),

FRED. E. ROWALD, ACT FOR THE RELIEF OF

City Officers.

CHAPTER DXXXII.

A further supplement to an an act entitled "An act to incorporate the city of Hoboken," approved March twenty-eighth, eighteen hundred and fifty-five.

ELECTION OF CITY ASSESSOR AND COLLECTOR.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter and and until otherwise provided by law, there shall be elected in and for said city of Hoboken one city assessor and one collector of revenue, who shall be residents of said city, and who shall be elected at the same time, and in the same manner, and for the same term as the mayor and city clerk are elected.

POWER AND DUTIES OF ASSESSOR.

2. *And be it enacted*, That the city assessor elected under the provisions of this act shall be liable to the same penalties and shall have the same powers and shall perform the same duties as heretofore have been had and performed by the ward assessors in said city, and in addition thereto he shall have power to appoint and remove at pleasure as many assistant assessors as he may deem necessary; *provided, neverthless*, he shall pay such assistants by him appointed out of his own funds, and they shall have no claim against the said city for any compen-

sation whatever; *and provided, also,* that the said city assessor shall be responsible to the mayor and council of the city of Hoboken for the negligence or misdemeanor in office of all or any of his said assistants.

OATH OF ASSESSOR.

3. *And be it enacted,* That the city assessor shall, before entering upon the duties of his office, take and subscribe an oath or affirmation in the following form, to wit: I, ———, do solemnly and sincerely promise and swear (or affirm) that I will truly, faithfully, honestly and impartially, value and assess the ratable estate in the city of Hoboken, in the county of Hudson, and that in making such valuations and assessments I will, to the best of my knowledge and judgment, observe the directions of the law respecting the same, and I will make a true return of all such assessments to the county board of assessors, at their meeting by law required to be held."

VOTE IN COUNTY BOARD.

4. *And be it enacted,* That in the county board of assessors at any meeting thereof, the assessors of the city of Hoboken shall, in determining any question, have one vote for each and every ward in the city of Hoboken.

COMPENSATION.

5. *And be it enacted,* That the city assessor shall be entitled to have and receive a salary of two thousand five hundred dollars per annum, payable quarterly, and no more, for the services required of him under and by virtue of this act.

POWERS AND DUTIES OF COLLECTOR.

6. *And be it enacted*, That the collector of revenue of the city of Hoboken, elected under and by virtue of the provisions of this act, shall be liable to the same penalties, shall have all the powers, and shall do and perform all the duties heretofore had, done and performed by the collector of taxes, the collector of arrears of taxes, and the collector of assessments in the city of Hoboken; and that all ordinances of "The Mayor and Council of the City of Hoboken," now in force, prescribing the duties or regulating the conduct of the said collector of taxes, collector of arrears of taxes, and collector of assessments, shall apply to and be binding upon the said collector of revenue until the same be altered or repealed.

COLLECTOR TO MAKE MONTHLY REPORTS.

7. *And be it enacted*, That in addition to his other duties it shall be the duty of the collector of revenue to countersign all warrants for the payment of money issued by the mayor and council of the city of Hoboken, and to keep an account in a book to be provided for that purpose, wherein each warrant shall be charged to the particular fund upon which it is drawn, and on the first Monday of every month he shall send to the council a report in writing, showing the amount of appropriation and the amount of actual cash in the hands of the city treasurer belonging to each particular fund, and also the total amounts of warrants that have been drawn on each particular fund, and also the balance of each particular fund remaining unappropriated.

COLLECTOR TO GIVE BONDS.

8. *And be it enacted*, That the collector of revenue shall, before he enters upon the duties of his office, give bonds to the city in its corporate name, in such sum and with such freehold security as the mayor and council may approve, conditioned for the true and faithful performance of the duties of said office.

COMPENSATION.

9. *And be it enacted*, That the collector of revenue shall be entitled to have and receive a salary of two thousand five hundred dollars per annum, payable quarterly, and no more, for the services required of him under and by virtue of this act; except that he shall also receive an allowance of five per centum upon all arrears of poll taxes and taxes on personal property collected by him after the twentieth of December in each year.

VACANCY, HOW FILLED.

10. *And be it enacted*, That should there be at any time a vacancy in the office of assessor or collector of revenue, from disability or otherwise, the mayor shall have power to fill the vacancy until the next ensuing election; *provided*, that any person so appointed shall give bonds, and shall be subject to the same regulations and ordinances as would have applied to the person elected under this act.

COMPENSATION OF CITY PHYSICIAN.

11. *And be it enacted*, That the city physician shall be ex-officio the health warden of said city, and shall be entitled to receive a salary of one thousand dollars per annum, payable quarterly, which sum

shall cover his compensation as city physician and health warden, and shall include the cost of furnishing all medicines necessary for the use of poor patients; and he shall also be subject to such rules and regulations as the mayor and council may by ordinance prescribe.

Secs. 12, 13, 14, 15 and 16 relate to improvement bonds and will be found under the title of bonds.

APPOINTMENT AND TERM OF OFFICE OF BOARD OF COMMISSIONERS OF ASSESSMENTS.

17. *And be it enacted*, That hereafter the mayor shall nominate and the council shall confirm a board of commissioners of assessments, which board shall consist of three commissioners, who shall be residents and freeholders of said city, who shall each take and subscribe an oath, honestly, faithfully and impartially, to discharge the duties of said office of commissioner of assessments, and who shall hold their office for one, two and three years from the first Monday of May next; and the mayor shall, at the time of making such nominations, designate which shall hold office for the long, and which for the short term; and that whenever a vacancy in office shall occur by expiration of the term of office, or otherwise, such vacancy shall be filled by nomination by the mayor and confirmation by the council as aforesaid; *provided*, that every person appointed to fill a vacancy occurring otherwise than by expiration of term of office, shall hold office for the unexpired term only, and persons appointed to fill a vacancy occurring by expiration of term of office, shall hold office for three years thereafter; *and provided also*, that in case any one or more of the said board of commissioners shall be interested in any assessment, then the mayor and council shall, in such case, appoint some disinterested and impartial freeholder or

freeholders, residing in said city, to serve with such board on such assessment in lieu of the commissioner or commissioners so interested; and that the compensation of said commissioners shall be determined by ordinance of the said council; which board of commissioners of assessments shall make all assessments hereafter to be made for improvements in said city in the manner directed in the act to which this is a supplement, and the several supplements thereto, except where commissioners of assessments for any improvements have already been appointed; and also excepting cases where an assessment is or shall be set aside by the judgment or order of the supreme court, in which case said court shall appoint commissioners to make a new assessment, as heretofore.

ELECTION AND TERM OF OFFICE OF TAX COMMISSIONERS.

18. *And be it enacted*, That at the next charter election, and on each succeeding charter election, two persons shall be elected as tax commissioners in each ward of said city, who shall be freeholders and electors of the ward in which they are elected; and no ballot shall contain more than one name for the office of tax commissioner; and in case any ballot should contain more than one name for said office, the first name only shall be counted; and the tax commissioners so elected in the various wards shall meet on the second Monday of May, of each year, at a place to be designated by the council, and shall constitute the board of tax commissioners; they shall elect or appoint a chairman and secretary from their own numbers, and they, or a majority of their whole number, shall fix the amounts of money to be raised by taxation for the current year, for the following purposes, to wit: for the support of the fire department, the police, public schools, water department,

repairing and cleaning streets, improving public grounds, lighting the streets and public buildings, erecting and keeping in repair such public buildings as may be needed for city purposes, militia, salaries of city officers, supporting the poor and for such other purposes as may be necessary to carry on the city government; which sums so ordered to be raised by taxation shall be certified in writing, attested by the chairman and secretary of said board, and filed in the city clerk's office on or before the first of June next following the charter election, and the tax ordinance shall contain the amounts in said certificate specified and directed to be raised.

MAYOR AND COUNCIL TO PASS ORDINANCES.

19. *And be it enacted*, That the mayor and council of the city of Hoboken shall have power to pass, alter and repeal ordinances to take effect in said city for the following purposes: to provide for the removal of the surface water upon all lots in said city lying south of Eighth street and west of a line drawn one hundred feet west of the westerly line of Willow street, and for imposing an annual tax upon such lots at a rate not exceeding five dollars for each lot of twenty-five hundred square feet for the purpose of paying the expense thereof; which tax shall be levied and collected at the same time and in the same manner, and under the same regulations as other taxes on real estate in said city, to declare certain limits within which any sunken lot or lots covered with stagnant water shall be deemed a nuisance; and in case any lot or lots within the limits so declared by ordinance are not filled in to the actual grade of the street in front thereof, by the owner or owners thereof, within thirty days after the service of a copy of said ordinance on him, her or them,

which notice shall be served personally on such owner or owners, if resident in said city, and if not resident in said city, by mailing a copy of said notice, directed to such owner or owners, at the post office nearest his, her or their abode, if the same can be ascertained, and in case the same cannot be ascertained, by fixing up a copy of said notice on such lot or lots; that then it shall be lawful for the mayor and council, by resolution, to direct the street commissioner to cause all such lots to be filled in to the grade with sound and wholesome material, who shall keep an accurate account of the cost and expense of filling each lot so filled in, and shall file a certified statement thereof, verified by oath or affirmation, in the city clerk's office, which shall be recorded by the city clerk in a book to be provided for that purpose, and the cost and expense of filling each lot shall constitute and remain a lien thereon from the time of filing said statement until the same is fully paid and satisfied; and in case the same is not paid within one year from the time of filing said statement, such lot or lots may be sold for the shortest time that any person will take the same and pay for said filling, in the same manner as lands are or may be sold for the non-payment of assessment; *provided*, that the owner or owners thereof may redeem the same at any term within two years, by paying the costs and expense of said filling, the costs of sale, and interest on the whole amount at the rate of fifteen per centum per annum.

SPECIFICATIONS FOR IMPROVING STREETS OR CONSTRUCTING SEWERS TO BE PUBLISHED WITH NOTICE.

20. *And be it enacted*, That the mayor and council shall hereafter, in advertising for proposals for the improvement of any street, or the construction of any sewer in said city, annex to said notice for

proposals, and publish therewith, a full, true and correct copy of the specifications for such improvement.

21. *And be it enacted*, That section five of the "Supplement to an act to incorporate the City of Hoboken," approved March twenty-eighth, one thousand eight hundred and fifty-five, which supplement was approved April fourth, one thousand eight hundred and sixty-seven, be amended by adding at the end of the said section the following words: "*provided*, that such proceedings and such other matters and things as are required by the charter, or any supplement thereto, to be published, shall be published daily in one of the said newspapers."

22. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act, be and the same are hereby repealed, and that this act shall be deemed a public act, and shall take effect immediately.

Approved April 6, 1871.

CHAPTER DLIII.

A further supplement to the charter of the city of Hoboken, passed March twenty-eighth, eighteen hundred and seventy-five.

ELECTION OF COMPTROLLER.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That at the next annual charter election of said city there shall be elected a comptroller of said city, and annually thereafter, the term of whose office shall commence on the first day of May in each year.

COMPENSATION OF COMPTROLLER, HIS POWERS AND DUTIES.

2. *And be it enacted*, That the comptroller shall receive an annual salary of twelve hundred dollars, to be paid in monthly installments, and shall keep an accurate account of all receipts and disbursements on account of the police department, the fire department, poor fund, public schools, salaries and contingent fund, docks, wharves and piers, and city debt, the opening, widening, regulating and repairing of streets, sewers and public places, and such specific objects as a correct management of the city finances may render necessary, to the end that his books may at all times show what are the appropriations for any specific object, what amount has been collected for the same, whether the said amount has been exhausted, or how much remains to the credit of such appropriations, with a detailed account of expenditures for the same; he shall also be subject to all such ordinances and resolutions of the mayor

and council as they shall from time to time adopt; his office shall be in the city hall, where he shall attend during the business hours of each day, and he shall make weekly reports of the state of the finances to the council, or oftener if required; he shall give a bond, for the faithful performance of his duties, in the sum of ten thousand dollars, with two sureties to be approved by the mayor and council.

RECEIPTS SHALL BE AUDITED BY THE COMPTROLLER.

3. *And be it enacted*, That no receipts of any officer of said city for any moneys from any source whatsoever shall be valid against the said city, except the same shall have been presented to, and have been audited by the said comptroller.

MAY BE REMOVED FOR CAUSE.

4. *And be it enacted*, That the comptroller shall be subject to removal for cause in the same manner as the city clerk or other city officers.

DUTIES OF THE CITY TREASURER AS TO MONEYS RECEIVED.

5. *And be it enacted*, That all moneys received by the collector of revenue, or any officer or agent of said city, which should be paid into the treasury of said city, including license fees, fines, penalties, and forfeitures, shall be delivered to the city treasurer by such officer or agent within forty-eight hours after he receives the same, and the city treasurer shall, within twenty-four hours thereafter, deposit the same to the credit of the city of Hoboken, in such safe or reliable institution to be designated by the council as may be willing to allow the highest rate of interest for the use of the average balances held by it; *provided*, that no bank holiday

shall be taken as a part of said twenty-four hours; *provided also*, that the responsibility of the treasurer as to all amounts deposited in said bank shall cease as soon as said deposit is made and the receipt of the bank obtained therefor.

STATEMENT OF AMOUNT PAID TO TREASURER TO BE FILED WITH THE COMPTROLLER.

6. *And be it enacted*, That when any officer or agent of the city shall pay any money to the city treasurer, the said officer or agent shall also forthwith file with the said comptroller a statement under his hand of the amount so paid, and of the time of payment; which statement shall also show upon what account the said money came to the hands of such officer or agent, to the end that the comptroller may enter the same correctly in his books; and when any money is paid to the city treasurer by any other person than an officer or agent of the city, the treasurer shall forthwith file with the comptroller a similiar statement under his hand of the moneys so paid to him.

COMPTROLLER SHALL PREPARE AN ANNUAL STATEMENT OF FINANCES.

7. *And be it enacted*, That it shall be the duty of the comptroller to prepare an annual statement of the finance of the city, and file the same with the city clerk not more than thirty, nor less than twenty days before the annual charter election.

TAXPAYERS, &C., TO HAVE FREE ACCESS TO BOOKS AND ACCOUNTS.

8. *And be it enacted*, that the citizens and taxpayers of said city shall at all times during the business hours of the day, have full and free access to the

books and accounts of the comptroller, collector of revenue and treasurer.

9. *And be it enacted*, That section three of the supplement to the city charter, approved April fourth, eighteen hundred and sixty-seven, be and the same is hereby amended, by striking out the word "fifteen" and inserting in lieu thereof the word "eight."

COMPENSATION OF COMMISSIONERS OF APPEAL.

10. *And be it enacted*, That the commissioners of appeal in cases of taxation in said city shall each be entitled to receive the sum of forty dollars in full for all services performed by them as such commissioners, and that the council of said city shall have no power or authority to alter the tax books of said city.

ASSESSORS TO GIVE NOTICE OF AMOUNT OF ASSESSMENT, &c.

11. *And be it enacted*, That the assessors of the said city shall, at the time of making the assessment for taxes, or as soon thereafter as practicable, notify every person so assessed of the amount of such assessment, at the time the commissioners of appeal will sit to hear objections to such assessment.

COLLECTOR OF REVENUE MAY APPOINT AN ASSISTANT.

12. *And be it enacted*, That the collector of revenue of the city of Hoboken be and he is hereby empowered to appoint an assistant at a salary not exceeding five hundred dollars per annum, and that the council shall have power to appropriate the necessary sum to pay said salary from the contingent fund of said city of Hoboken; and the collector of revenue shall be responsible

to the said mayor and council for the proper discharge of the duties of his assistant and shall be liable to be sued on his bond for any neglect of the duties of his office, or for any defalcation in the collection of the revenue of said city.

13. *And be it enacted*, That section seven of the supplement to the city charter, approved April sixth, eighteen hundred and seventy-one, be and the same is hereby repealed.

14. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act, be and the same are hereby repealed, and that this shall be deemed a public act, and shall take effect immediately.

Approved April 4, 1873.

The office of comptroller herein created was abolished by the act of 1874 but by act of 1882 the council were empowered to create such office by ordinance

Mayor.

CHAPTER CXXVIII.

An Act to authorize cities of this state to elect a mayor for the term of two years.

TERM OF OFFICE OF MAYOR.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cities of this state in which the mayor is now elected annually, the said mayor shall hereafter be elected for the term of two years, commencing with the day fixed by law for the commencemenf of his term.

2. *And be it enacted*, That all acts and parts of acts and charter provisions inconsistent herewith be and they are hereby repealed.

3. *And be it enacted*, That this act shall be considered a public act and shall take effect immediately.

Approved April 6, 1889.

City Clerk.

CHAPTER LXXXIII.

An Act concerning the appointment of city clerk's in the cities of this state.

CITIES OF SECOND CLASS MAY APPOINT CITY CLERKS.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the passage of this act, the board of aldermen, council, common council, or other legislative body of any city in this state of the second class as fixed by an act for the classification of cities in this state, shall appoint a city clerk for such city, in the manner provided by law for the appointment of other city officers by such legislative body; and such city clerk shall hold office for the term now provided by law.

TERM OF OFFICE.

2. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act, be and the same are hereby repealed, and that this act shall take effect immediately.

Approved March 16, 1882.

CHAPTER CXXIV.

An Act concerning cities.

OFFICER AUTHORIZED TO SELL LANDS FOR TAXES, &C., MAY COLLECT CLAIMS AFTER AUTHORITY FOR SALE GIVEN.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any city of this state it shall be the duty of the officer now or hereafter authorized by law to make sale of land therein for unpaid or delinquent taxes and assessments for improvements which may be a lien thereon, to collect, receive and receipt for all such claims after authority to make such sale has been given, and to account therefor to the city treasurer in the same manner as other officers receiving money in behalf of the city are required by law to account.

2. *And be it enacted*, That all acts or parts of acts, general or special, public or private, inconsistent with this act, be and the same are hereby repealed, and this act shall take effect immediately.

Approved March 12, 1888.

Assistant City Clerks.

CHAPTER CCVII.

An Act concerning cities.

MAY INCREASE NUMBER OF CLERKS AND ASSISTANTS AND FOR SALARIES.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the board of finance or board having control of the finances of any incorporated city in this state, by and with the consent of all the members of any such board, upon application of the city clerk of such incorporated city, to increase the number of clerks and assistants employed in the office of such city clerk and to fix the salaries of the entire clerical force employed in said city clerk's office.

2. *And be it enacted*, That all acts or parts of acts inconsistent herewith are hereby repealed, and this act shall take effect immediately.

Approved April 28, 1886.

City Treasurer.

CHAPTER CXIX.

An Act to authorize the election of a city treasurer' in cities of the second class, for a longer term than one year.

ELECTION AND TERM OF CITY TREASURER.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cities of the second class in this state in which the city treasurer is now elected for the term of one year, the said city treasurer shall hereafter be elected and hold office for the term of two years.

2. *And be it enacted*, That all acts and charter provisions inconsistent herewith, be and they hereby are repealed, and that this act shall take effect immediately.

Approved April 4, 1889.

CHAPTER III.

An act to authorize cities of the second class to increase the salary and extend the term of office of the city treasurers.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any city of the second class of this state wherein the maximum rate of annual salary and the term of office of the city treasurer is fixed and determined by the charter thereof, that the board of aldermen of such city may at the time of appointment, by resolution increase the annual salary of such officer to an amount not exceeding two thousand five hundred dollars, and appoint such officer for a term not exceeding three years.

2. *And be it enacted*, That all acts, general and special, so far as they conflict herewith, be and the

same are hereby repealed, and that this act shall take effect immediately.

Passed February 18, 1890.

Assistant City Treasurer.

CHAPTER CCXXVIII.

An Act to authorize the appointment of assistants to city treasurer.

CITY TREASURER AUTHORIZED TO APPOINT ASSISTANTS.

1. BE IT ENACTED *by the Senate and General Assembly of the State New Jersey*, That hereafter, whenever the council, board of aldermen or other legislative body of any city of this state shall by resolution declare it necessary to employ an assistant city treasurer for the proper and efficient management of the public business by the city treasurer of such city, such city treasurer is hereby authorized and empowered to appoint an assistant city treasurer to hold office during the pleasure of the city treasurer.

COMPENSATION OF ASSISTANT TREASURER.

2. *And be it enacted*, That the compensation of such assistant city treasurer when so appointed shall be fixed and determined by resolution of the council, board of alderman, or other legislative body of such city which compensation shall not exceed twelve hundred dollars per annum, and shall not be increased or diminished within one year after the same has been so fixed and determined.

CITY TREASURER RESPONSIBLE FOR ACTS OF ASSISTANT.

3. *And be it enacted*, That the city treasurer of every city shall be held responsible for all acts and

official conduct of the assistant city treasurer appointed by such city treasurer under authority of this act.

4. *And be it enacted*, That all acts and parts of acts, general, special or local, inconsistent with the provisions of this act be, and the same are hereby repealed and that this act shall take effect immdiately.

Approved April 28, 1885.

Corporation Attorney.

CHAPTER CLIII.

An Act concerning cities in this state, and authorizing the common council to fix the term and salary of certain officials therein.

COMMON COUNCIL AUTHORIZED TO FIX TERM OF OFFICE OF CITY ATTORNEY OR COUNSEL.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That in any city of this state where the common council has by law authority to appoiint a city counsel or attorney, the said council may at the same time and in the same manner by which the said appointments are now made, fix the term of their said offices at any period not exceeding five years, and when so appointed shall hold office for the term so fixed.

2. *And be it enacted*, That this act shall take effect immediately.

Passed April 2, 1885.

Collector of Revenue.

CHAPTER CCCLXXXI.

A further supplement to "An act to incorporate the city of Hoboken," approved March twenty-eighth, eighteen hundred and fifty-five.

COLLECTOR OF REVENUE TO INCREASE SALARY OF ASSISTANT.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the mayor and council of the city of Hoboken be and they are hereby authorized and empowered to cause to be paid from the contingent fund of the said city of Hoboken, to the collector of revenue for said city, a sum in addition to the regular salary now paid to him and authorized to be paid for the employment of an assistant, by virtue of the provisions of the charter of the city of Hoboken, and the supplements thereto, not exceeding one thousand dollars, the said sum to be computed at the rate of eighty-three dollars and thirty-three cents per month, from the fourth day of April, eighteen hundred and seventy-three, to the date of the approval of this act; and to be by the said collector applied to the payment of the salary of the assistant by him employed during the aforesaid time.

TO APPOINT ASSISTANT.

2. *And be it enacted*, That the collector of revenue of the city of Hoboken be and he is hereby empowered to appoint an assistant at a salary not exceeding fifteen hundred dollars per annum, and that

the council shall have power to appropriate the necessary sum to pay the said salary from the contingent fund of the said city of Hoboken; and the collector of revenue shall be responsible to the said mayor and council for the proper discharge of the duties of his assistant, and shall be liable to be sued on his bond for any neglect of duties or for any defalcations in the collections of the revenue of said city.

3. *And be it enacted*, That all acts or parts of acts inconsistent with the provisions of the foregoing act, be and the same are hereby repealed.

4. *And be it enacted*, That this act shall take immediately.

Approved March 24, 1874.

Assessor.

CHAPTER LXII.

An Act to enable cities to elect an assessor for three years.

TERM OF OFFICE OF ASSESSOR.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter, in any city in this state where the election of one assessor only is provided for by the charter of such city, or any any amendment or supplement thereto, it shall and may be lawful for the common council or other governing body of such city to fix from time to time the term of the office of assessor in such city by resolution not exceeding three years, and thereafter the assessor of such city shall be elected at the regular charter election in such city for said term as so fixed; *provided*, that when said term has been so fixed, the resolution shall not be changed or repealed, so as to affect the term of any then incumbent of said office.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 31, 1887.

Chairman of Council.

CHAPTER CCXLVI.

An Act concerning cities.

LAWFUL FOR PRESIDING OFFICER TO VOTE ON ALL MEASURES.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the president or presiding officer of the common council, board of aldermen, or other legislative body, however designated, of any city in this state, to vote on any and all measures, resolutions, ordinances and applications now or hereafter before said board for action.

2. *And be it enacted*, That all acts or parts of acts, general, public, local or special, inconsistent with this act, be and the same are hereby repealed, and this act to take effect immediately.

Approved May 7, 1889.

CHAPTER CXII.

An Act to enable cities to create the office of comptroller.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for any incorporated city in this state, wherein the office of comptroller does not now exist to create and establish the office of comptroller for such city, whenever the city council thereof, shall by passage of an ordinance determine so to do, which ordinance shall define the duties of said officer in conformity with this act, and shall fix his salary not exceeding in amount fifty dollars for each thousand of population of said city, and the amount of bond which shall be required from him.

2. *And be it enacted*, That said comptroller shall be selected in each city adopting said ordinance and establishing such office by the city council of said city, at the first stated meeting after the passage of the ordinance mentioned in the preceding section, and the person so elected shall hold his office for the term of three years, and until his successor is elected and qualified.

3. *And be it enacted*, that said comptroller before entering upon the duties of his offices shall take and subscribe before any officer authorized to administer oaths and affirmations in this state, an oath or affirmation faithfully to execute the duties of his office to the best of his knowledge, skill and ability, and such other oath or affirmation as the laws of the State of New Jersey, or the council electing said officer may require, which oath or affirmation shall be filed by the city clerk in his office, he shall give good and sufficient bond for the faithful

performance of the duties of his office in such sum as the city council electing him shall direct, and shall receive as compensation for his services such salary as said city council shall prescribe said salary not to be increased or diminished during the term of his office.

4. *And be it enacted*, That it shall be the duty of the said comptroller to sign all warrants of the city treasurer; to superintend all fiscal concerns of the city in such manner and to report thereon at such times as city council shall direct by ordinance; to keep separate accounts of all appropriations made by city council to each and every department of the city government, and to require all warrants on the treasurer to state particularly against which appropriation the said warrant is drawn; the said comptroller, upon receiving a bill or warrant, shall examine the same, and if it be for any purpose for which there is no appropriation, or the appropriation for which is exhausted or to which for any other cause he cannot give his approval, he shall report the fact to the department having charge of the bill or claim against the city, and the warrant in such case shall not be signed except by special authority or direction of the city council; he shall upon the death, resignation, removal or expiration of the term of office of any officer or person who by law may be authorized to receive or disburse moneys of the city, for which said comptroller is acting as aforesaid, audit and examine the accounts of such officer or person and report the condition of his business to the city council; he shall before the payment of any claim against the city, first audit the bill containing or making up said claim, with a view to ascertain whether the supplies charged to the city, or services alleged to have been rendered have been furnished and rendered

as stated, and whether the sum or sums demanded therefor are proper, and after so auditing shall return said bill to the department having control of the appropriation against which said claim is made, and against which the warrant is to be drawn, he shall, as often as he may deem necessary, or as city council shall require, suggest plans to said city council for the improvement, advantage and better management of the city finances; he shall have control of the fiscal concerns of all departments, bureaux and officers of the city in which he holds his office as aforesaid, and may require at any time from any or all of said departments, bureaux and officers a full exhibit of their business, and a statement of account in writing of any and all moneys or property of the said city within the control or in the hands of said departments, bureaux and officers; and said comptroller shall immediately, in case of any default, delinquency or official misconduct, report the same to city council, and in order that he may fullfill his duties and make complete audits of accounts, he shall have power whenever he may see fit to examine all books, papers and vouchers pertaining to any and all departments of the city's business, and shall have free and unrestrained access to them for the purpose aforesaid; the said comptroller shall also be authorized—whenever in his judgment the interest of the city for which he is elected such officer shall require to examine under oath any person presenting a bill or claim against said city for the payment of moneys, and also to examine witnesses and to investigate by other evidence and inquiry all the facts relating to said claim, which in his opinion are necessary to establish the accuracy and good faith of said claim, and to ascertain the city's liability therefor; *provided, however*, that this act shall not apply in any of its provisions to any city of this state which now has

any comptroller under any special charter or the supplements thereto, or any officer whose duties correspond to those enumerated in this act.

5. *And be it enacted*, That it shall be a misdemeanor for the comptroller to sign any warrant or order, or otherwise to procure the payment of any money by the city for which he is said officer, not authorized by law.

6. *And be it enacted*, That this act shall take effect immediately.

Approved March 10, 1880.

Comptroller.

CHAPTER CXVIII.

A further supplement to an act creating the office of comptroller of the treasury and defining the duties thereof, approved March seventeenth, one thousand eight hundred and sixty-five.

1. Be it enacted *by the Senate and General Assembly of the State of New Jersey*, That it shall be the duty of the board of chosen freeholders of each county, the committeemen of each township, the mayor and common council of each city and the representative authority of each town and borough in this state, to transmit to the comptroller of the treasury on or before the first day of October in each year a statement of the financial condition of their respective counties, townships, cities, towns or boroughs, at the close of their respective fiscal years next preceding the time of making such statement; and the said statements shall set forth the amounts of the funded and floating debt, of what they are composed, the purposes for which they were contracted, the rate of interest thereon and the time when the debts fall due; the nature and condition of the sinking fund, if any; the amount of real and personal property taxable; the rate of tax levied and the amount raised, and the expenditures for the year, arranged under general heads.

2. *And be it enacted*, That it shall be the duty of the comptroller to furnish the necessary blanks to the several authorities, upon their application, for making the statements required by this act, and to

lay copies of the statements received by him for each year, or abstracts thereof, before the legislature at the time of making his annual report.

3. *And be it enacted*, That if any of the said officers shall neglect or refuse to furnish or transmit the statement as required in the first section of this act, the same shall be liable to indictment for such neglect or refusal, and shall be deemed guilty of a misdemeanor and on conviction shall be punished by a fine not exceeding one hundred dollars.

4. *And be it enacted*, That an act entitled "A supplement to an act creating the office of comptroller of the treasury and defining the duties thereof," approved March seventeenth, one thousand eight hundred and sixty-five, which supplement was approved March sixth, one thousand eight hundred and seventy-nine, and all other acts or parts of acts inconsistent with this act be and the same are hereby repealed.

5. *And be it enacted*, That this act shall take effect immediately.

Approved March 18, 1881.

CHAPTER LVII.

An Act concerning the publication of financial statements in cities of this state.

FINANCIAL STATEMENTS MAY BE PUBLISHED AT END OF FISCAL YEAR IN CERTAIN CITIES.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cities of this state, in which annual financial statements of such cities are required to be published, such financial statements may be published at the termination of each fiscal year.

MAY BE IN PAMPHLET FORM.

2. *And be it enacted*, That said financial statements may be published in pamphlet form.

3. *And be it enacted*, That all acts and parts of acts, general, special, local or otherwise, and all charters and parts of charters inconsistent with the provisions of this act, be and the same are hereby repealed.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 19, 1884.

Temporary Officers.

CHAPTER LXXIII.

An Act to authorize the common council or other governing body in the cities of this state to designate who shall perform the duties of certain officials when such officials are temporarily absent or unable to perform their duties by reason of sickness.

MUNICIPALITIES MAY PROVIDE BY ORDINANCE OR RESOLUTION WHO SHALL PERFORM THE DUTIES IN ABSENCE OF HEADS OF DEPARTMENTS.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where by the law of this state, certain duties are imposed upon the comptroller, treasurer, auditor of accounts, or other heads of departments in the cities of this state, and no person is now by law authorized to perform the duties so imposed by such officers when such officers are temporarily absent or sick, it shall and may be lawful for the common council or the board having control of the finances of such city, by ordinance or resolution, to provide who shall, during the temporary absence or sickness of any such officer, perform the duties so imposed as acting officer, and that the acts of the person or persons so appointed shall be in all cases as legal and binding as if done and performed by the officer for whom such appointee is acting.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 1, 1887.

City Physician.

CHAPTER CLXVII.

An Act to authorize cities in this state to fix the salaries of city physicians of such cities.

ANNUAL SALARIES OF CITY PHYSICIANS MAY BE FIXED BY ORDINANCE.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the board of aldermen or common council of any city in this state to fix by ordinance the annual salary of the city physician and the time and the manner of the payment thereof; *provided*, that said salary shall not be altered during the term for which he has been or may be appointed; *provided further*, that this act shall not apply to any city in which the city physician is appointed by a board other than the board of aldermen or common council; *and provided also*, that such annual salary shall not exceed the sum of fifteen hundred dollars; *and provided also* that the charter of such city shall provide for the appointment of a city physician.

2. *And be it enacted*, That all acts, general, special, local or otherwise, and all charters and parts of charters, inconsistent with the provisions of this act, be and the same are hereby repealed.

3. *And be it enacted*, That this act shall take effect immediately.

Approved April 22, 1884.

CHAPTER CIII.

An act to authorize cities of the second class to extend the term of office and fix the rate of compensation of certain officers therein.

TERM OF OFFICE AND SALARY OF CITY PHYSICIAN, HOW FIXED.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cities of the second class in this state wherein they have an officer known as city physician, that the board of aldermen, or other legislative body of any such city, may, by a majority vote, and at the time of the making of the appointment to such office, fix the term for which such appointee may hold his office, which term shall not exceed three years, and may at the same time, and by a like vote, determine and fix the annual salary of such officer, to be paid him during the term so fixed.

2. *And be it enacted*, That all acts and parts of acts general and special, in conflict herewith, be and the same are hereby repealed, and that this act shall take effect immediately.

Approved April 3, 1889.

CHAPTER CCIV.

An Act to authorize cities of the second class to extend the term of office and fix the rate of compensation of certain officers therein.

CITY PHYSICIAN, APPOINTMENT, TERM OF OFFICE AND COMPENSATION.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cities of the second class in this state wherein they have an officer known as city physician, the mayor of any such city shall appoint such officer, and the board of aldermen or other legislative body of said city, by a majority vote, confirm said appointment, and at the time of making of the appointment to such office, said mayor shall also fix the term for which such appointee may hold his office, which term shall not exceed three years, and said board may, at the same time, determine and fix the annual salary of such officer, to be paid him during the term so fixed.

2. *And be it enacted*, That all acts and parts of acts, general and special, inconsistent with this act, be and the same are hereby repealed, and that this act shall take effect immediately.

Approved May 3, 1889.

Chief Engineer of Public Works.

CHAPTER XCVIII.

An Act concerning cities in this state.

BOARDS AUTHORIZED TO ELECT CHIEF ENGINEER OF PUBLIC IMPROVEMENT.

1. Be it enacted *by the Senate and General Assembly of the State of New Jersey*, That in all cities of this state which now have or hereafter shall have the care of streets, sewers, and water vested in a single municipal board, such board shall have power to elect a chief engineer, who shall have been a resident of such city for at least two years prior to his election and be a civil engineer in active practice in either public or private capacity at the time of such election; such officer so elected shall have full charge of all matters pertaining to the business of a civil or hydraulic engineer in relation to any public improvement or other work proper to be managed under the direction of such municipal, board; his term of office shall be for two years from the date of such election, or in any case where such election shall require confirmation by any other city board or officer, for two years from the date of such confirmation, and such officer shall receive such salary as shall be fixed by said board appointing him, not exceeding the sum of five thousand dollars per annum, and such board shall have power to remove him for malfeasance in office or incompetency, after proper trial and opportunity to be heard in his defence; but nothing in this section shall shorten the time of any chief en-

gineer now holding office, unless he shall be appointed to succeed himself for the full term as above, and whenever the act of the appointing board shall require confirmation by any other board or city officer the incumbent then or now in office shall continue in office until his successor is appointed and confirmed.

2. *And be it enacted*, That all acts or parts of acts inconsistent with this act be and the same are hereby repealed, and this act shall take effect immediately.

Approved March 17, 1882.

Inspectors of Buildings.

CHAPTER CCXVI.

An Act concerning inspectors of buildings in cities of this state.

INSPECTOR OF BUILDINGS MAY BE APPOINTED.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cities of this state it shall be lawful for the board of aldermen or common council of said cities to appoint one inspector of buildings.

INSPECTOR TO BE A MECHANIC, AND HIS DUTIES.

2. *And be it enacted*, That said inspector of buildings shall be either an architect, carpenter, mason, or other mechanic, whom said board of aldermen or common council shall deem to be capable to fill the position, and that the duties of said inspector shall consist in the careful inspection of all buildings in the course of erection, and any and all buildings undergoing repairs and alterations, and all buildings, chimneys and structures which have become dangerous or unsafe, and to see that proper precautions are taken for the protection of life and property.

NO BUILDING TO BE MOVED OR ERECTED WITHOUT PERMIT.

3, *And be it enacted*, That before any person or persons shall erect, move, raise, or commence to erect, move or raise, any building or buildings, the person or

persons intending or desiring to erect, move or raise said building or buildings, shall first apply for and obtain from said inspector of buildings a permit to do so, and all failures to comply with this requirement shall be punishable by a fine, to be hereafter provided for by ordinance by said board of aldermen or common council; *provided*, that nothing herein shall affect the present powers of any board of fire commissioners to prohibit and regulate the erection or alteration of buildings and structures.

BOARD OF ALDERMEN TO PRESCRIBE DUTIES AND TO FIX COMPENSATION OF INSPECTOR. TERM OF OFFICE.

4. *And be it enacted*, That said board of aldermen or common council shall have power to further prescribe the duties and fix the compensation of said inspector of buildings, either by fee or fixed salary, and to fix his term of office, not to exceed one year.

INSPECTORS MAY BE REMOVED.

5. *And be it enacted*, That said inspector shall at any time be removable for cause; *provided, first*, that charges and specifications having been preferred to said board of aldermen or common council, said board of aldermen or common council, by ballot, shall decide by a two-thirds vote of all the members of said board to remove said inspector of buildings.

6. *And be it enacted*, That all acts or parts of acts inconsistent with this act are hereby repealed, and that this act shall take effect immediately.

Approved April 28, 1886.

Inspectors of Public Works.

CHAPTER CI.

An Act providing for the method of the appointment of inspectors of public works in the cities of this state.

INSPECTORS OF PUBLIC WORKS, HOW APPOINTED.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where by any existing law inspectors are or may be appointed to pointed to inspect public works authorized and ordered to be done by any common council, board of aldermen or other governing body, in any of the cities of this state, all such officers shall hereafter be appointed by the common council, board of aldermen or other governing body, in the same manner in which other subordinate officers are or may be appointed in such city, or the common council, board of aldermen or other governing body, in any such city, may at its discretion, in like manner authorize the committee having charge of the particular work for the inspection of which such officers are to be selected to make such appointment.

COMPENSATION, QUALIFICATIONS AND LIABILITIES OF OFFICERS APPOINTED.

2. *And be it enacted*, That such officers so to be appointed shall possess the same qualifications, be subject to the same regulations and liabilities, and be entitled to compensation as now provided by law.

3. *And be it enacted*, That this act shall take effect immediately.

Approved April 5, 1887.

Veterans.

CHAPTER CIV.

An Act in regard to honorably discharged Union soldiers.

CERTAIN PERSONS NOT TO BE REMOVED FROM OFFICE FOR POLITICAL REASONS.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no person holding a position in any city or county of this state, whose term of office is not now fixed by law, and receiving a salary from such city, county or state, who is an honorably discharged soldier or sailor, having served in the war of the rebellion, shall be removed from such position except for good cause shown after a hearing, but such person shall hold his position, during good behavior, and shall not be removed for political reasons.

2. *And be it enacted*, That all acts inconsistent with this act are hereby repealed.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 6, 1888.

CHAPTER CXLIV.

An Act in regard to honorably-discharged Union soldiers and sailors holding public office or position.

HONORABLY DISCHARGED SOLDIERS OR SAILORS NOT TO BE REMOVED FROM OFFICE EXCEPT FOR GOOD CAUSE.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no person holding or hereafter holding a public office or position under the government of any city or county of this state, whose term of office is not fixed by law, and who receives a salary from the city or county, and who is an honorably-discharged Union soldier or sailor, having served in the war of the rebellion, shall be removed from such office or position except for good cause shown after hearing, but such person shall hold his office during good behavior, and shall not be removed for political or partisan reasons.

2. *And be it enacted*, That all acts and parts of acts inconsistent with this act are hereby repealed, and this act shall take effect immediately.

Passed April 9, 1889.

CHAPTER CLXXXI.

A supplement to an act entitled "An act in regard to honorably-discharged Union soldiers and sailors holding public office or position," passed April ninth, one thousand eight hundred and eighty-nine.

PROVISIONS OF ACT NOT TO APPLY TO CERTAIN OFFICERS.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provisions of the act to which this is a supplement, shall not apply to the tenure of office of the corporation counsel, corporation attorney or other law officer, city comptroller, city treasurer, city collector, collector of revenue, water registrar, water purveyor, or chief clerk to any municipal board of any city in this state.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 18, 1889.

Vacancies.

CHAPTER CCVI.

An Act to regulate term of office in municipalities.

WHAT CONSTITUTES A VACANCY.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any officer of any municipal government in this state shall remove from any such municipality, and shall no longer be a bona fide resident therein, such removal and non-residence shall constitute a vacancy in the office held by such non-resident; and such municipality, by its lawfully constituted authority, shall immediately proceed to fill such vacancy in the manner and form prescribed by law for the filling of such vacancies, but this act shall not apply to the removal of any such officer from one ward to another ward of any such municipality unless otherwise provided by any special charter of any city in this state.

2. *And be it enacted*, That this act shall be deemed to be a public act, and shall take effect immediately.

Approved March 12, 1880.

CHAPTER LXXIII.

A supplement to "An act to regulate term of office in muncipalities," appproved March twelfth, one thousand eight hundred and eighty.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of "An act to regulate term of office in municipalities," to which this act is a supplement, be and the same is hereby amended so as to read as follows, viz.:

WHAT CONSTITUTES A VACANCY IN ANY MUNICIPAL GOVERNMENT.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any officer of any municipal government in this state shall remove from any such municipality and shall no longer be a bona fide resident therein, or whenever the resignation of such officer shall have been accepted by the authority competent to appoint his successor, such removal and non-residence of such resignation shall constitute a vacancy in the office held by such non-resident or person who shall have resigned, and from the time of such removal or resignation, such officer shall not exercise any of the duties of the office so made vacant; and such municipality, by its lawfully constituted authority, shall immediately proceed to fill such vacancy in the manner and form prescribed by law for the filling of such vacancies; *provided*, that this act shall not apply to the removal of any such officer from one ward to another ward of any such municipality, unless otherwise provided by any special charter of any city in this state; *and pro-*

vided further, that nothing in this act shall be so construed as to prevent a non-resident of any municipality in this state from holding office as counsel or attorney of such municipality, nor shall such offices be deemed vacant by reason of the removal or non-residence of such counsel or attorney of such municipality.

2. *And be it enacted*, That all acts and parts of acts, general or special, inconsistent with the provisions of this act, be and the same are hereby repealed, and that this act shall be deemed to be a public act, and shall take effect immediately.

Approved March 10, 1882.

CHAPTER DLXVIII.

An Act for the Relief of the Mayor and Council of the City of Hoboken.

WHEREAS, Frederick E. Rowald, late city clerk of the city of Hoboken, assumed and exercised the duties of said office, without being duly qualified as required by law; and whereas, certain lands and real estate of said city were sold by the mayor and council of said city, under the direction or supervision of said late clerk *de facto*, and the declarations of such sales have, as yet, not been issued to the purchasers thereof; and whereas, certain ordinances of said mayor and council have not been recorded in the ordinance book and signed by the clerk as required by law; therefore,

DECLARATION OF SALE AND OTHER PAPERS BINDING.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all certificates, declarations of sale, and other documents and papers, witnessed, attested or signed by said Frederick E. Rowald as city clerk of said city of Hoboken, be and the same are hereby ratified and confirmed, and that the same shall be considered as effectual and binding in law as if said Frederick E. Rowald was duly qualified as required by law.

CITY CLERK TO SIGN, WITNESS, &C. ORDINANCES.

2. *And be it enacted*, That it shall be lawful for the city clerk of said city, appointed by the mayor and council of said city for the unexpired term, or his

successor in said office, to sign, witness and attest all warrants, certificates, declarations of sale, ordinances, and all other matters and things by law required to be signed, witnessed or attested by the city clerk of said city, and which should have been signed, witnessed or attested before the present incumbent of said office was appointed; and that all such warrants and certificates, declarations of sale, ordinances and all other documents, matters and things so signed, witnessed or attested by the present incumbent of said office of city clerk, or his successor, shall be as valid, effectual and binding, as if the same had been signed, witnessed or attested at the proper time by his predecessor in said office, and he had been duly and fully qualified as required by law.

2. *And be it enacted*, That all acts and parts of acts inconsistent with this act are hereby repealed, that this shall be deemed a public act, and shall take effect immediately.

Approved April 4, 1872.

ACTS

RELATING TO

SALARIES.

CHAPTER CCCCLXXXII.

A further supplement to "An act to incorporate the city of Hoboken," approved March twenty-eighth, eighteen hundred and fifty-five.

SALARIES OF MAYOR, RECORDER AND COUNCILMEN.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter and until otherwise provided for by law, the salary of the mayor of the city of Hoboken shall be one thousand dollars per annum; that the salary of the recorder of the said city shall be fifteen hundred dollars per annum, and that each of the councilmen of the said city shall hereafter receive a compensation of four hundred dollars per annum, all of said salaries to be payable in equal quarterly payments.

TERM OF OFFICE OF COLLECTOR OF REVENUE.

2. *And be it enacted*, That hereafter and until otherwise provided for by law, the term of office of collector of revenue of the city of Hoboken shall be three years from the first day of May, eighteen hundred and seventy-two, and that the said collector be, and he is hereby empowered to appoint an assistant at a salary not exceeding fifteen hundred dollars per annum, and that the council shall have power to appropriate the necessary sum to pay said salary from the contingent fund of said city of Hoboken; and the collector of revenue shall be responsible to the said mayor and council for the proper discharge of the duties of his assistant, and shall be liable to be sued on his bond for any neglect of the duties or for

any defalcations in the collection of the revenue of said city.

MAYOR AND COUNCIL MAY RAISE MONEY.

3. *And be it enacted*, That the mayor and council of said city shall have the power to raise the sum of two thousand dollars in addition to the amount specified in the "Supplement to the act to incorporate the City of Hoboken," which supplement was approved April sixth, eighteen hundred and seventy-one, and said money shall be expended for the purposes therein expressed.

4. *And be it enacted*, That all acts or parts of acts inconsistent with the provisions of the foregoing act, be and the same are hereby repealed.

5. *And be it enacted*, That this act shall take effect immediately.

Approved April 3, 1872.

CHAPTER CII.

An Act for the regulation of salaries of city treasurers.

COMPENSATION OF TREASURER.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any case where by the act of incorporation of any city, or any supplement thereto, the salary or compensation of the city treasurer shall be fixed at the sum of five hundred dollars, it shall be lawful for the mayor and council or board of aldermen to fix by resolution the salary or compensation of said treasurer, *provided*, that the same shall not exceed the sum of two thousand five hundred dollars; *and provided, further*, that the salary or compensation of such city treasurer which has been so fixed as aforesaid, shall not be increased during the continuance of the term of office of such treasurer.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 9, 1877.

CHAPTER CXLIV.

An Act to authorize the municipal authorities of the cities in the state of New Jersey to fix and regulate the salaries of their officers.

ANNUAL SALARY SHALL BE FIXED BY ORDINANCE.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the board of aldermen or common council of any incorporated city of this state, to fix by ordinance the annual salary of each person elected by the people or appointed by such board of aldermen or common council to any office in any such city and the time and the manner of the payment thereof; *provided*, that the salary of the members of such board of aldermen or common council shall not be increased beyond the amount now fixed by law for said boards respectively; *and provided, further*, that nothing in this act shall be construed to authorize the payment of a salary to any city officer not now entitled by law to receive a salary, but the salary of no city officer shall be altered during the term for which he has been or may be appointed; provided that no salaries of officers or clerks in the finance department of any city wherein there are now commissioners of the sinking fund established by law, whether such salaries are fixed by statute or otherwise, shall be changed without the consent of a majority of such commissioners.

SALARY NOT TO BE CHANGED DURING THE FISCAL YEAR.

2. *And be it enacted*, That no salary, when so fixed

by ordinance, shall be changed during the fiscal year for which it shall have been fixed, but said board of aldermen or common council may, at the commencement of any fiscal year, by ordinance, change any such salary as in the judgment of said board of aldermen or common council the welfare of the said city may require.

ACT NOT TO APPLY TO CERTAIN CITIES.

3. *And be it enacted*, That this act shall take effect immediately, but this act shall not apply to cities having over fifty thousand inhabitants, nor shall this act be construed to apply to the salaries of teachers in any of the public schools of this state.

Approved March 9, 1877.

CHAPTER CXC.

An Act concerning cities.

DEPARTMENTS MAY BORROW MONEY FOR PAYMENT OF SALARIES OF OFFICERS AND EMPLOYEES.

1. Be it enacted *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any city in this state, where any deficiency now exists in the fund for the payment of salaries of officers or employees of said city by reason of an insufficient appropriation made by the board of tax commissioners or other boards or departments having charge of the making appropriations for said city, by and through its common council or its board of finance or finance department to borrow money for the use of said city in such sum as shall be sufficient to pay said salaries until the expiration of the fiscal year of said city; *provided*, the amount of said loan shall not exceed six thousand dollars.

2. *And be it enacted*, That there shall be put in the tax levy of the following year a sum sufficient to pay the loan made by virtue of the first section of this act with interest.

3. *And be it enacted*, That this act shall take effect immediately.

Approved April 30, 1884.

CHAPTER LXXV.

An Act concerning salaries of certain officers in cities of this state.

BOARD AUTHORIZED TO FIX SALARY OF CLERK NOT TO EXCEED CERTAIN AMOUNT.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where, in the opinion of the board appointing such officer, the salary as now fixed by law for the clerk of the treasurer of any city in this state is inadequate compensation for the services performed by such clerk, it shall be lawful for said board to fix such salary at an amount not exceeding the sum of fifteen hundred dollars per annum; *provided*, that the resolution fixing such salary shall be approved by the mayor of such city before the same shall go into effect.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 22, 1886.

CHAPTER CIII.

An Act concerning cities.

BOARD OF FINANCE MAY FIX SALARIES OF FORCE IN CITY CLERK'S OFFICE.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the board of finance, or board having control of the finances of any incorporated city in this state, upon application of the city clerk of such incorporated city, to fix the salaries of the entire clerical force employed in said city clerk's office.

2. *And be it enacted*, That all acts and parts of acts inconsistent herewith are hereby repealed, and this act shall take effect immediately.

Approved March 6, 1888.

ACTS

RELATIVE TO THE

COUNCIL.

CHAPTER CCXXX.

A further supplement to an act entitled "An act to incorporate the city of Hoboken," approved March twenty-eighth, eighteen hundred and fifty-five.

DUTIES, POWERS AND COMPENSATION OF COMMISSIONERS OF APPEAL.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section twenty-two of said act be repealed, and that the following be substituted in lieu thereof: "*And be it enacted*, That the commissioners of appeal shall have the same powers and perform the like duties, and be entitled to like compensation that the commissioners of appeals in the several townships of this state now have or hereafter may have; and, in addition, they shall have the power to examine the person or persons appealing, in cases of taxation, under oath, as to the valuation or amount of the chattels and real estate assessed against them respectively; and it shall be the duty of said commissioners to receive the oath or affidavit of any and every person appealing, when offered or presented by him or them relative thereto; and said commissioners, on such affidavit, shall reduce the assessment to the sum specified in such affidavit; and all affidavits so presented shall be filed by said commissioners in the office of the clerk of the city."

SECTION 32 OF FORMER ACT AMENDED.

2. *And be it enacted*, That section thirty-two of

said act be amended by inserting after the words "may adjourn from day to day," the words following: "and compel the attendance of absent members.'

6TH CLAUSE OF SECTION 40 OF FORMER ACT AMENDED.

3. *And be it enacted*, That the sixth clause or subdivision of section forty of said act be amended by inserting immediately after the words "goats and geese," the words "and other animals."

10TH CLAUSE OF SECTION 40 OF FORMER ACT AMENDED.

4. *And be it enacted*, That the tenth clause or subdivision of section forty of said act be stricken out, and the following inserted in the stead thereof: Tenth. To license and regulate inns or taverns and other houses of public entertainment for the sale of, or traffic in, spirituous, vinous, fermented or other intoxicating drink or drinks, and to prohibit, by fine or penalty, all traffic in, or sale of such spirituous, vinous, or other intoxicating drink or drinks by all or any person or persons not having a license from said council for that purpose; and to license, regulate and prohibit hawkers, peddlers, hucksters, butchers, slaughter houses and markets, on such terms, and under such regulations and penalties, as the council may, by ordinance, impose; and no other license, granted for such purposes within said city, by any other authority, shall be lawful, except licenses granted by the governor of this state to hawkers and peddlers.

11TH CLAUSE OF SECTION 40 OF FORMER ACT AMENDED.

5. *And be it enacted*, That the eleventh clause or subdivision of section forty of said act be amended by inserting immediately after the words "porter in

said city," the following: "and to license hacks, omnibuses and stage coaches, and to prevent, by fine or imprisonment, all hacks, omnibuses and stage coaches from running or being run within or through said city without such license."

17TH CLAUSE OF SECTION 40 OF FORMER ACT AMENDED.

6. *And be it enacted*, That the seventeenth subdivision or clause of section forty of said act be amended by inserting at the beginning thereof the following: "to impose taxes on dogs."

SECTION 44 OF FORMER ACT AMENDED.

7. *And be it enacted*, That section forty-four of said act be amended by striking out the words "five per centum," and inserting "ten per centum," in lieu thereof, and also by inserting immediately after the words "be applied to," the following: "the payment of salaries and."

EVIDENCE OF PUBLICATION, &C., OF ORDINANCE TO BE FILED.

8. *And be it enacted*, That the due publication of all ordinances heretofore passed by said council, or that may hereafter be passed by them, and posting of all notices required to be published or posted by said act, or the act to which this is a supplement, shall be verified by the affidavit of the printer of the newspaper in which such publication shall be made, or his foreman, and of the person who posted such notice, and such affidavit shall be filed in the office of the city clerk, and shall be evidence of such publication and posting in all courts and places.

SECTION 51 OF FORMER ACT REPEALED.

9. *And be it enacted*, That section fifty-one of the act to which this is a supplement be and the same is hereby repealed.

PART OF 6TH CLAUSE OF SECTION 40 OF FORMER ACT REPEALED.

10. *And be it enacted*, That all that part of the sixth clause or subdivision of section forty, title four, after the words "for the purposes, for which they are or may be laid out and dedicated," be and is hereby repealed.

PART OF SECTION 56 OF FORMER ACT REPEALED.

11. *And be it enacted*, That the words "south of the lines heretofore described," in section fifty-six of the act to which this is a supplement, be and the same is stricken out and repealed.

COMPENSATION OF OFFICERS.

12. *And be it enacted*, That the sixty-seventh section of the act to which this is a supplement, be and the same is hereby repealed, and the following inserted in lieu thereof: That the sums hereafter specified, and no other, shall be the pay or compensation to be received by persons filling the following offices for the time being, and shall remain the same until altered by the legislature of this state: The mayor shall receive the sum of two hundred and fifty dollars per annum; the treasurer the sum of two hundred dollars per annum; the city clerk the sum of five hundred dollars per annum; the collector of taxes the sum of three hundred dollars per annum; the collector of arrears of taxes shall receive five per

centum upon all moneys collected by him, which amount he shall be entitled to demand and receive from the person or persons owing and paying said arrears of taxes and assessments; the street commissioner shall receive the sum of three hundred dollars a year; each councilman shall receive one dollar and fifty cents per day for each day actually spent in the business of the city; the assessor of each ward shall each receive the sum of one hundred and fifty dollars per annum; the poundkeeper, judges of election, inspectors of election, clerk of election and commissioners of appeals shall receive the same compensation that the poundkeeper, the judges of election, clerk of election and inspectors of election, and the commissioners of appeals of the different townships of the state are entitled to receive by the statute laws of the state; and the payment of all salaries shall be made by the city treasurer upon the presentation of the proper warrant on the first day of each quarter of the fiscal year, out of any moneys he may have on hand belonging to said city.

13. *And be it enacted*, That this act shall be deemed a public act, and take effect on the first day of May, eighteen hundred and fifty-nine; and that so much of the act to which this is a supplement, and all other acts, or parts of acts, inconsistent with the provisions of this act, be and the same are hereby repealed.

Approved March 23, 1859.

CHAPTER CLXXIX.

A further supplement to an act entitled "An act to incorporate the city of Hoboken," approved March twenty-eight, eighteen hundred and fifty-five.

AMENDMENT OF FORMER ACT.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section three, of title two, of said act, be amended by adding after the words "a clerk of the city," the words "two assessors," and also by striking out the words "a poundkeeper;" that section four, of title two, be amended by striking out the words "one assessor," and also by striking out the word "three," and inserting the word "two" in its place.

OF THE CLERK AND FIRE WARDEN.

2. *And be it enacted*, That the clerk of the city shall be clerk of the commissioners of appeal, and shall have power to administer all oaths and affirmations necessary to be used before said commissioners; that the council shall have power to appoint a fire warden of said city, in such manner as they shall by ordinance prescribe, and also to fix his compensation.

SALARY OF CITY CLERK.

3. *And be it enacted*, That the city clerk shall receive for his pay and compensation six hundred and fifty dollars per annum, and shall keep his office open at least seven hours each day, except Sundays, at such times as shall be prescribed by an ordinance of the council.

FEES TO CLERK IN CERTAIN CASES.

4. *And be it enacted*, That in all cases in which persons shall bring writs of certiorari to remove the proceedings of the council, it shall be lawful for the city clerk to charge and receive from the parties bringing such certiorari, on presenting the same, at the rate of ten cents per folio for the necessary return thereto, in lieu of his other charges.

OF REMOVAL OF CERTAIN OFFICERS.

5. *And be it enacted*, That section thirty-eight of said act to which this is a supplement, be repealed, and the following inserted in lieu thereof: "*and be it enacted*, that any officer, except the mayor, may be removed from office for cause by resolution of the council; *provided*, that no such removal shall take place until the party sought to be removed has had an opportunity to be heard in his defence, nor unless two-thirds of all the members elected to said council vote therefor; whenever any such removal shall take place, the cause therefor, together with the ayes and nays upon the vote taken, shall be entered at large upon the journal of the council."

AMENDMENT OF FORMER ACT.

6. *And be it enacted*, That section forty of said act be amended by inserting at the end of the seventeenth subdivision thereof the following provision: "eighteenth—to prescribe and define the duties of all officers elected and appointed under or by virtue of this act, except the mayor, justices of the peace, councilmen and chosen freeholders."

OF THE FIRE DEPARTMENT.

7. *And be it enacted*, That section forty-three of

said act be amended by inserting after the words "maintaining public schools," the words "maintaining the fire department."

OF TAXES UPON REAL ESTATE, &C.

8. *And be it enacted*, That section fifty-five of said act be amended by adding the following provision at the end thereof: "and whenever within said city any assessment on any lot or parcel of land shall remain unpaid for thirty days after the confirmation thereof by the council, it shall be lawful for the council to charge, receive and collect, in addition to the amount of said assessment, interest thereon, to be computed at the rate of twelve per cent. per annum from the time of confirmation of said assessment until the same be paid; that any assessment or estimate of value in damages made by any commissioners under this act, or the act to which this is a supplement, that may be made upon principles contrary to law, and the provisions of this act, or the act to which this is a supplement, may be reviewed, and for such cause set aside by the supreme court or the circuit court of the county of Hudson, upon certiorari, and the said court shall, in the case of setting aside any such assessment or valuation, appoint new commissioners to examine into and report anew as to the part set aside, and for the purpose of such examination the supreme court or said circuit court may require, by rule, the commissioners to certify specifically as to the principle on which their assessment was made, or may inquire into the same by affidavits to be taken for that purpose."

OF CONTRACTS FOR WORK, &C.

9. *And be it enacted*, That section fifty-seven of said act be amended by striking out the words "and shall

at all times be given to the lowest bidder who will comply with all the requirements of the council, and will give ample freehold security for doing said work and furnishing said materials according to contract," and by adding the following provision at the end thereof: " but the council shall be under no obligation to accept the lowest bid, and may reject all bids if they shall think proper, and in case of such rejection the council shall again advertise for proposals, and proceed in all things as if no proposals had been offered."

POWERS OF COUNCIL TO FIX SALARIES AND MAKE APPOINTMENTS.

10. *And be it enacted*, That section sixty-three of said act be repealed, and the following inserted instead thereof: " *and be it enacted*, that the council shall have power to fix the salary, pay or compensation of all officers, both elected and appointed, except such as are provided for in this act, or the act to which this is a supplement, by general ordinance, and the salary or compensation of any officer which has once been fixed shall not be increased during the continuance of his term in office; and that said council shall have power and authority by general ordinance to appoint a corporation attorney, a city physician, a corporation printer, a poundkeeper a sergeant-at-arms of the council, and such subordinate and other officers and agents of said city not named in this act or the act to which this is a supplement, as they shall think necessary either for the better ordering and governing said city, or for the convenience, safety and advantage of commerce, and to define and prescribe their powers and duties, which officers so appointed shall continue in office until the first Monday in May after their election or appointment, or until others shall be appointed to succeed them, and be sworn into office.

COUNCIL MAY ALLOW RAILROADS TO BE CONSTRUCTED.

11. *And be it enacted*, That it shall be lawful for the council by general ordinance to grant permission to any person or persons, or corporation, to lay railroad tracks, and run rail cars thereon in or over any street or highway within said city, under such licenses, conditions and restrictions as the said council may think proper, and to alter, change or revoke the same at pleasure; *provided*, that no such grant or permission shall be made or given until a majority of the property along the line of such street or highway shall have first given their consent in writing for such railway track to be laid.

POWERS OF POLICEMEN.

12. *And be it enacted*, That it shall be lawful for the captain of police or any policeman of said city to serve all processes for violation of any ordinances of said city, and for the suppression of vice and immorality, in the same manner as constables in townships.

OF TAX WARRANTS.

13. *And be it enacted*, That section forty-five of said act be amended, by striking out the words "who shall proceed and issue a tax warrant thereon, as provided by law in cases of taxes in townships, who shall have power to collect the same in like manner, in all things, as the constables in townships are directed by law."

DUTIES OF COLLECTOR OF ARREARS OF TAXES.

14. *And be it enacted*, That it shall be the duty of the collector of the arrears of taxes, immediately after the delivery to him of the list of delinquents to

proceed to collect the arrears of taxes; and that for that purpose he shall possess all the powers conferred on constables in the several townships in like cases, and in case any such delinquent shall neglect or refuse to pay such arrears of taxes, and in case no sufficient goods and chattels of any such delinquent can be found, to levy and make the amount of such arrears, together with the fees, costs and charges, then it shall be the duty of the collector of arrears of taxes to arrest the body of such delinquent, and commit him to the keeper of the common jail of the county of Hudson, there to remain until he shall pay such arrears of taxes and the costs, charges and expenses, or be delivered by due course of law; and no goods or chattels of any kind, except wearing apparel, shall be exempt from sale for taxes in said city; and upon the expiration of the office of such collector of arrears of taxes, if any taxes which shall remain uncollected shall be returned by him to the said council, it shall be the duty of the said council to deliver such list to the new collector of arrears of taxes, who shall proceed thereon for the collection of the same, in like manner as above directed.

FEES OF COLLECTOR.

15. *And be it enacted*, That the collector of arrears shall receive five per cent. upon all moneys collected by him of taxes assessed upon real estate, and ten per cent. upon all moneys assessed on personal property; *provided*, that in case an assessment be made upon both real and personal property against any one individual or corporation, then the said collector of arrears shall receive five per cent. upon the whole sum collected by him from such individual or corporation; and in all cases thirty-eight cents for each distress actually made by him.

AMENDMENT OF FORMER ACT.

16. *And be it enacted*, That section forty-three, title five, of said act be amended by striking out the words "three assessors," and inserting in lieu thereof the words "two assessors."

RELATING TO CEMETERY.

17. *And be it enacted*, That the city council shall have power to dispose of by ordinance to the inhabitants of the city of Hoboken, so much of the Hoboken cemetery grounds, for burial purposes, as they may deem necessary, under such conditions and restrictions as to them shall seem proper, and shall also provide for laying out, keeping, maintaining, improving and adorning said cemetery.

LIABILITY FOR EXCESS OF APPROPRIATION.

18. *And be it enacted*, That each and every member of the said council shall be held personally liable to the mayor and council of the city of Hoboken, for any indebtedness against the said city, voted for by such member, beyond the appropriations made by the people at their annual election.

HOUSES TO BE NUMBERED, &C.

19. *And be it enacted*, That the council shall have power to cause all the houses within the boundaries of said city, to be numbered in such manner as they may deem most advisable, and to place on the corner of the various streets, a sign with the name of the street and the number of the house of which it is attached; also, to vacate the names of all parts of streets known as places; they shall cause a book to be made showing the number of divisions in each

block, and the street number of the lot, which numbers shall remain in the assessment number of said lots, or their divisions, until a re-numbering shall be ordered by said council; they may also, by ordinance, direct the kind of number that shall be placed on each house, and prescribe a penalty for non-compliance therewith.

AMENDMENT OF FORMER ACT.

20. *And be it enacted*, That section forty-nine be amended, by adding thereto the words, "and the owner, mortgagee, occupant, or person interested therein, or any other person for or on behalf of the owner, mortgagee, or claimant shall be required at the time he, she or they shall redeem the said property, to pay all the costs, charges and expenses of advertising as aforesaid."

21. *And be it enacted*, That all such parts of the act, to which this is a supplement, and any supplement thereto, as are inconsistent with any of the provisions of this act, are hereby repealed, and that the said act shall hereafter be taken and read as if the amendments and alterations by this act provided for, had originally been made in said act.

22. *And be it enacted*, That this act shall take effect immediately.

Approved March 15, 1861.

CHAPTER XLVI.

A further supplement to the act entitled " An act to incorporate the city of Hoboken, approved March twenty-eighth, eighteen hundred and fifty-five.

THREE COUNCILMEN IN EACH WARD.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That on and after the first Monday in May next, the council of the city of Hoboken shall be composed of three councilmen instead of two from each ward of said city, who shall be elected annually, in the same manner and at the same time as is now prescribed for the election of councilmen by the act to which this is a supplement, and shall each hold his office for the term of one year.

NOT TO RECEIVE COMPENSATION.

2. *And be it enacted*, That after the first Monday in May next, no councilman shall receive any pay or compensation for any time spent by him in the business of the said city.

TERMS OF OFFICE.

3. *And be it enacted*, That the terms of office of the present councilmen of the said city of Hoboken shall all expire on the first Monday in May next; and that so much of the act to which this is a supplement, and all other acts and parts of acts inconsistent with the provisions of this act, be and the same are hereby repealed and that this act be deemed a public act, and shall take effect immediately.

Approved February 16, 1863.

CHAPTER CLX.

A further supplement to an act entitled "An act to incorporate the city of Hoboken," approved March twenty-eight, eighteen hundred and fifty-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the eighth section of the act to which this is a supplement be amended by striking out after the words "judges of election" the words "together with the members of the board of councilmen whose term of office will not expire until after the next succeeding charter election," and also by striking out the word "than" the word "five," and inserting the word "two."

2. *And be it enacted*, That section thirty-four of the act to which this is a supplement be and hereby is amended by striking out the word "four" and inserting the "five" instead.

3. *And be it enacted*, That so much of the act to which this is a supplement, and all other acts and parts of acts inconsistent with the provisions of this act, be and the same are hereby repealed, and that this act shall be deemed a public act, and shall take effect immediately.

Approved March 18, 1863.

CHAPTER CCCX.

A supplement to "An act to incorporate the city of Hoboken," approved March twenty-eighth, eighteen hundred and fifty-five.

ORDINANCES.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act to which this is a supplement, be and it is hereby amended, so that hereafter the council of said city of Hoboken shall have power to pass, alter and repeal ordinances to take effect within said city, for the following purposes:

INSPECTION OF WEIGHTS AND MEASURERS, &C.

FIRST—To appoint one or more inspectors of lumber and wood; one or more weighers and sealers of weights and measures; one or more gaugers, and whenever a sworn certificate is required in any business or occupation, said council may appoint one or more officers, who shall have power to administer oaths and to give the same; said council shall have power to prescribe the duties of said officers, fix the term of office, their fees and salary, and the mode of their removal from office; but nothing in this section shall be construed as authorizing the council to prohibit any person not appointed by them from exercising any trade or vocation named in this section.

ASSESSMENT MAPS.

SECOND—To cause a general assessment map to be made for said city.

COMPENSATION.

THIRD—To pay each of the assessors of said city a fair compensation to be based upon the service actually performed in each ward; *provided*, that such compensation shall not exceed four hundred dollars per annum for any one ward; to pay the street commissioner six hundred dollars per annum and the city clerk fifteen hundred dollars per annum.

ERECTION OF CITY HALL.

FOURTH—To purchase ground for a city hall, and to erect a city hall thereon, or to purchase improved property and convert the same by proper alterations to like use; the cost thereof not to exceed fifty thousand dollars; in payment thereof the mayor and council of said city may issue bonds bearing interest at the rate of seven per centum per annum, and payable in such instalments and at such times as said council may deem proper; said council may also sell said bonds at not less than par, and use the proceeds thereof to pay for said city hall.

ELECTION TO BE HELD.

The said council shall not however, be authorized to incur any indebtedness for this purpose, unless they first obtain the assent thereto of a majority of the electors of the city of Hoboken, and for this purpose at the next charter election, the electors entitled to vote for the mayor of said city shall express their assent thereto, or their dissent therefrom by depositing their ballot in the ballot box used for said charter election, and those electors who are in favor of said council incurring said indebtedness shall each deposit a ballot containing the words "City Hall," written or printed thereon, and those who are

opposed shall each deposit a ballot with the words "No City Hall," written or printed thereon; and a canvass and a return of the votes shall be made by the judges of said charter election to the council of said city; and if a majority of those who vote at such election are found to be in favor of building a city hall, then and not otherwise, said council may incur said indebtedness.

FIRE DEPARTMENT.

FIFTH—To purchase one thousand feet of hose for the fire department at a cost not to exceed eighteen hundred dollars.

MAY ISSUE BONDS FOR FIRE DEPARTMENT PURPOSES.

SIXTH—To issue bonds or city script in payment for the engine house or lot, number ninety-eight Meadow street, in said city, said bonds or city script not to exceed in amount six thousand dollars; all the proceedings of the mayor and council of said city heretofore taken in reference to said engine house, is hereby ratified and confirmed and made as valid and effectual in law as if the same had been duly authorized by law before any action whatever had been taken by said mayor and council in reference thereto.

ASSESSMENTS.

SEVENTH—To pay all assessments that now or may hereafter be made by the commissioners on the Third street sewer, against the public square in said city; *provided*, the same do not exceed the sum of three thousand dollars.

SEWERS.

EIGHTH—To build, construct and continue the Bloomfield street sewer to the southerly line of the city, and to assess the cost of the same on the lands through which said parts of sewers passes; *provided*, that a petition signed by the owners of at least two-thirds of the property along the line of such sewer be first presented to the said mayor and council.

RECEIVING BASIN FOR SEWER.

NINTH—To build and construct receiving basins to connect with any public or private drain or sewer, whenever they may deem the same necessary or proper; and no petition shall be necessary therefore, and the cost thereof shall be assessed upon and collected from the property benefitted thereby.

COMPENSATION OF COLLECTOR OF TAXES.

TENTH—To allow the collector of assessments to receive one and one-half per centum on the amount of all sales of real estate, when the same is actually sold for non-payment of assessments.

COMPENSATION OF COLLECTOR OF ARREARS OF TAXES.

ELEVENTH—To allow the collector of arrears of taxes three per centum on the amount of all sales of real estate where the same is actually sold for non-payment of taxes, and to charge the same against the property sold.

NOTICES OF ASSESSMENTS MADE.

2. *And be it enacted*, That the assessors in the city of Hoboken shall, immediately after they have made their assessments, serve a notice on each party

assessed, if living in said city, stating the valuation made of the real and personal property of said party.

AMENDMENT TO ORIGINAL ACT.

3. *And be it enacted*, That section forty-four of the act to which this is a supplement, be and the same is hereby amended, by striking out the following words in said section, namely: "five per centum additional" and inserting in lieu thereof the words "fifteen per centum additional," and notifying the said party when the commissioners of appeal in cases of taxation will meet.

AMENDMENT TO ORIGINAL ACT.

4. *And be it enacted*, That the title IV, ninth subdivision of the fortieth section of the act to which this is a supplement, be and is hereby amended by adding the following: "and to raise by bonds or direct taxation, as may be deemed for the best interests of the city the necessary bonds therefor."

PROCEEDINGS TO BE PUBLISHED.

5. *And be it enacted*, That the proceedings of the council and the board of education of said city, and such matters and things as are directed by said charter to be published, shall hereafter be published in two of the newspapers printed and published in said city in which the laws of this state are now directed to be published.

6. *And be it enacted*, That all acts and parts of acts inconsistent herewith, be and the same are hereby repealed, and this act shall be deemed to be a public act, and take effect immediately.

Approved April 4, 1867.

CHAPTER CCCXLIII.

An Act to amend "An act to incorporate the city of Hoboken."

VACANCIES IN OFFICE TO BE FILLED BY COUNCIL.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in case a vacancy shall occur from any cause whatever in any of the elective officers in said city, excepting the mayor and members of the council of said city, it shall be lawful for the council to appoint others to fill said vacancies until a person is elected for said office at the next annual charter election in said city and has been duly qualified and sworn into office.

COUNCIL MAY PASS AND REPEAL ORDINANCES.

4. *And be it enacted*, That the council shall have power to pass, alter and repeal ordinances to take effect within said city for the following purposes : to license all ice carts and wagons used in said city, and to prevent and punish all persons owning or using the same without a license ; to prevent the slaughtering of cattle or animals within the city limits, or the keeping or maintenance of slaughter houses therein, and to close the same and keep the same closed, and to remove any offensive matter or thing in or coming or flowing from any slaughter house in said city, and to sell any property on the premises for the payment of any expense incurred or fine imposed by the violation of any ordinance in reference to slaughter houses.

5. *And be it enacted*, That section forty-three of the act to which this is an amendment, be and the same is hereby amended by inserting after the words for contingent expenses the following words: "for rents of armories for uniformed militia companies in said city, one thousand dollars."

STREETS TO BE CLEANED UNDER DIRECTION OF STREET COMMISSIONER.

6. *And be it enacted*, That the council of said city shall have power on and after the first day of May, eighteen hundred and sixty-eight, whenever they deem it for the best interests of the city, to purchase or hire the necessary workmen and horses and carts and implements necessary for removing the ashes and garbage and street dirt in said city, and keeping the streets of said city clean at all times, the said workmen and horses and carts and implements, shall be under the direction of the street commissioner, who shall be subject to the control of the committee on streets of said council, the council may at any time sell or dispose of said ashes and garbage and street dirt, and said horses and carts and implements as they may think proper.

7. *And be it enacted*, That all acts and parts of acts inconsistent herewith, be and the same are hereby repealed, and this act shall be a public act, and take effect immediately.

Approved April 6, 1868.

N.B.—Sec. 3 of above act concerns police and will be found under acts relative to Police.

CHAPTER CCCIV.

A further supplement to an act entitled "An act to incorporate the city of Hoboken," approved March twenty-eighth, eighteen hundred and fifty-five.

POWER TO RAISE MONEY BY TAX FOR VARIOUS PURPOSES.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the mayor and council of the city of Hoboken, shall have power to pass, alter and repeal ordinances to take effect within said city of Hoboken, for the following purposes: first, to raise by tax, a sum of money not exceeding ten thousand dollars, for the purpose of altering, repairing and fitting up any building in the city of Hoboken, which the said mayor and council may rent or procure in said city for a city hall; second, to raise by tax, a sum of money not exceeding fifteen thousand dollars to purchase lands on the Coster estate in the city of Hoboken, and to erect a public school-house thereon; third, to raise by tax, a sum of money not exceeding six thousand dollars, to purchase land in the city of Hoboken and erect a building thereon for the use of engine company number three; fourth, to raise by tax, a sum of money not exceeding ten thousand dollars to purchase land and erect a building thereon for the use of the association of exempt firemen of the Hoboken fire department; fifth, to raise by tax, a sum or sums of money not exceeding forty thousand dollars in the whole, to improve and fence the public squares in said city of Hoboken, or any one of them.

MAY ISSUE BONDS TO RAISE MONEY FOR IMPROVING PUBLIC SQUARES.

2. *And be it enacted*, That it shall and may be lawful for the mayor and council of the city of Hoboken to raise the said sum of money last above mentioned, by issuing bonds under their corporate seal and the signature of the said mayor for an amount of money not exceeding the said sum of forty thousand dollars, in such sums and payable at such time or times as the said mayor and council shall deem proper, bearing interest at a rate not exceeding seven per centum per annum, payable semi-annually with coupons attached, and to pledge the property and credit of said city for the payment of the same; which bonds it shall be lawful for the mayor and council, and their successors, to sell and assign; *provided*, that no bond shall be sold by the said mayor and council for less than par; *provided, also*, that the bonds to be issued by virtue of this act shall be redeemable at a period not to exceed twenty years from the passage thereof.

MAY PROVIDE FOR PAYMENT BY TAXATION.

3. *And be it enacted*, That the said mayor and council shall have power and authority to provide by taxation for the payment of said bonds and the interest thereon, and that they shall yearly and every year until the bonds so to be issued shall be redeemed and paid off, order or cause to be assessed and collected by tax, at the time and in the manner that other taxes in said city are assessed and collected, a sum of money sufficient to pay and discharge the principal at the several times it [shall] become due and payable, and the interest on the said bonds as the same shall become due; *provided*, that not less than one thousand dol-

lars nor more than five thousand dollars of the principal of said bonds shall be made redeemable in any one yer.

PROCEEDS OF BONDS, HOW APPLIED.

4. *And be it enacted*, That it shall be the duty of the mayor and council to apply the net proceeds of the said bonds to the purpose of improving and fencing the said public squares.

CERTIFIED ORDINANCES RECEIVED IN EVIDENCE.

5. *And be it enacted*, That in all prosecutions, suits and actions which may be brought or instituted against any person or persons for violation of any ordinance or ordinances of the mayor and council of the city of Hoboken, heretofore passed or which may hereafter be passed, a copy of such ordinance or ordinances with a certificate thereto annexed, under the coporate seal of said city, attested by the city clerk that the same is or are a true copy or copies of the original or originals, shall be read and received in evidence by the court in which such prosecution, suit or action is pending, as proof of the existence of such ordinance or ordinances, and that no further proof or evidence of publication of such ordinance or ordinances, nor of the corporate seal of said city, nor the signature of the city clerk shall be required for the purposes of such prosecution, suit or action ; *provided*, that if the said ordinance or ordinances have not been published as required by law, that fact may be shown in evidence by the defendant or defendants in bar to the action.

6. *And be it enacted*, That the recorder, the street commissioner and the collector of taxes in said city, hereafter shall receive for their pay and compensa-

tion the following sums of money per annum; the recorder one thousand dollars, the street commissioner one thousand dollars, the collector of taxes eight hundred dollars.

COMPENSATION OF OFFICERS.

7. *And be it enacted*, That the collector of the said city of Hoboken, in case of the non-payment of taxes on or before the twentieth day of December in each year, shall make out a list of the names of delinquents, with the sums due from them respectively annexed and deliver the same to the clerk of the said city on the fifteenth day of January in every year, except when the said day shall be Sunday, and then on the next day following; and it shall be the duty of such clerk to lay the same before a council at a meeting thereof, held next after the same shall be delivered to him, and it shall be the duty of the said council to deliver the same to the collector of arrears of taxes on or before the first day of February next following, who shall proceed thereon as now required by law.

PROCEEDINGS IN REPAIRING SIDEWALKS AND RESETTING CURBS.

8. *And be it enacted*, That in all cases where the council or their committee on streets shall direct the street commissioner to repair or put in proper grade the sidewalks, or to reset the curb or gutters in any portion of any street, the street commissioner shall proceed to do such work and shall make a correct statement in writing of the costs and expenses thereof incurred for each lot in front of which such work is done, and shall file such statement in the city clerk's office, whereupon the said clerk shall cause to be inserted in at least one of the

newspapers published in said city of Hoboken, for at least ten days, a notice of the filing of said statement, and that the council will meet at a certain time and place to be specified in said notice to consider all objections to the charges in said statement made, which may be presented in writing, and if the council shall approve said statement, the charges against each lot for such work therein mentioned shall constitute a lien on the property in front of which such work has been done, and that such liens may be enforced and collected in the same manner as assessments are collected under and by virtue of the act to which this is a supplement.

ORDINANCES TO BE PUBLISHED IN PAMPHLET FORM.

9. *And be it enacted*, That it shall be the duty of the mayor and council of the city of Hoboken to cause the laws and ordinances of said city to be published in book or pamphlet form for the use of the officers of said city.

PAY FOR THE SAME BY TAX.

10. *And be it enacted*, That the said council shall have power to raise by tax and appropriate a sufficient sum of money to defray the expenses of causing said laws and ordinances to be published as aforesaid.

CONSENT OF A MAJORITY OF VOTERS NECESSARY TO THE EXPENSE OF EXEMPT ENGINE HOUSE.

11. *And be it enacted*, That the power to raise by tax the sum of ten thousand dollars to purchase land and erect a building thereon for the use of the association of exempt firemen of the Hoboken fire department, shall not be exercised by the said mayor and

council unless a majority of the voters of the city of Hoboken, voting at the next charter election in said city, shall signify their assent thereto, and at said election the voters in favor thereof shall deposit a ballot having thereon the words, "For Exempt Engine House," and those opposed thereto shall deposit a ballot having thereon the words, "Against Exempt Engine House," and said words shall be upon the general city ticket, voted for at said election, and said votes shall be canvassed and a return thereof made to the city board of canvassers."

CONSENT OF A MAJORITY OF VOTERS NECESSARY TO THE EXPENSE OF "IMPROVING PUBLIC SQUARES."

12. *And be it enacted*, That the power to raise by tax a sum or sums of money not exceeding forty thousand dollars in the whole, to improve and fence the public squares in said city of Hoboken, or any one of them, shall not be exercised by said mayor and council unless a majority of the voters of the city of Hoboken, voting at the next charter election in said city, shall signify their assent thereto, and at said election the voters in favor thereof shall deposit a ballot having thereon the words, "For Park Improvements," and those opposed thereto shall deposit a ballot having thereon the words, "Against Park Improvements," and said words shall be upon the general city ticket voted for at said election, and said votes shall be canvassed and a return thereof made to the city board of canvassers.

13. *And be it enacted*, That this act shall take effect immediately.

Approved March 30, 1869.

CHAPTER DLXXI.

A further supplement to an act entitled "An act to incorporate the city of Hoboken," approved March twenty-eighth, eighteen hundred and fifty-five.

POWER OF COUNCIL TO RAISE MONEY FOR CERTAIN PURPOSES.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the mayor and council of the city of Hoboken shall have power and they are hereby authorized to raise by general taxation a sum of money not exceeding six thousand dollars for the purpose of purchasing lands and erecting a suitable brick building thereon, in that part of the city of Hoboken, known as the "Coster Estate," for the use of hook and ladder company number two, of said city.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 6, 1871.

CHAPTER CCCCXLIV.

A further supplement to an act entitled "An act to incorporate the city of Hoboken," approved March twenty-eighth, one thousand eight hundred and fifty-five.

MAYOR AND COUNCIL EMPOWERED TO PASS, ALTER OR REPEAL CERTAIN ORDINANCES.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the mayor and council of the city of Hoboken shall have the power to pass, alter and repeal ordinances to take effect within said city for the purpose of laying out footwalks and paths in and upon the square known as public square and bounded by Garden, Fourth, Willow and Fifth streets, and also in and upon the square known as Hudson square in said city of Hoboken, and also to pave any or all such footwalks and paths and all circular and ornamental places in said squares or either of them with flagging or artificial cement stone pavement, as may be deemed expedient by the council of said city.

PROPOSALS FOR PAVEMENT, BY WHOM AND HOW TO BE ADVERTISED FOR.

2. *And be it enacted*, That before passing any ordinance adopting any particular kind of pavement for the purpose mentioned in the first section of this act, it shall be lawful for the said mayor and council by resolution to advertise for proposals for as many different kinds of pavement, for the purpose aforesaid, as they may deem expedient, to the end that

they may select the best, having due regard to the cost thereof; and that thereupon after having passed an ordinance adopting the kind or kinds of pavement selected for the purpose aforesaid, it shall be lawful for the said mayor and council to contract for the kind or kinds of pavement selected, and to cause the same to be laid at the price or prices first offered or proposed without re-advertising for propoaals therefor.

MAYOR AND COUNCIL EMPOWERED TO APPROPRIATE MONEY FOR CERTAIN PURPOSES.

3. *And be it enacted*, That, it shall be lawful for mayor and council of the cfty of Hoboken by resolution to appropriate a sum of money not exceeding two thousand dollars from the contingent fund of said city and to transfer the same to the poor fund to be used for the support and maintenance of the poor of said city in the same manner as other moneys raised by taxation for that purpose are used.

THIS ACT TO CONTINUE IN EFFECT ONE YEAR.

4. *And be it enacted*, That this act shall take effect immediately, and shall continue in effect for one year only.

Approved March 27, 1874.

CHAPTER XXIV.

An Act concerning cities.

LICENSING OF JUNK SHOPS.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That that the common councils or boards of aldermen of the several cities of this state, shall have power by ordinance, to license, regulate, control or prohibit the keeping of shops commonly called "junk shops" or shops for the purchase and sale of junk, old rope, old iron, brass, copper, tin, lead, rags and slush, under such regulations and upon such terms as the said councils or board of aldermen may adopt.

2. *And be it enacted*, That this act shall be a public act, and shall take effect immediately.

Approved March 2, 1877.

CHAPTER LXXXVIII.

An Act concerning cities.

CITY COUNCIL MAY PASS ORDINANCES AND PRESCRIBE PENALTIES.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where by the provisions of any act of incorporation of any city or any act to revise and amend the charter of any city in this state, the city council of any such city shall have authority to pass ordinances on any subject, and prescribe penalty or penalties for the violation thereof, either by imprisonment in the county jail not exceeding ten days, or by a fine not exceeding one hundred dollars, it shall and may be lawful for any such city council in passing an ordinance, to prescribe the maximum penalty or penalties, to be imposed either by imprisonment in the county jail not exceeding ten days or by a fine not exceeding one hundred dollars, or both, and that the magistrate before whom such offence or offences may be cognizable shall have discretion in imposing such penalty or penalties, but not to exceed the maximum penalty or penalties prescribed in the ordinance.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 4, 1880.

CHAPTER CXLII.

An Act to establish a license and excise department in certain cities.

CITIES MAY PROVIDE AN EXCISE DEPARTMENT BY ORDINANCE.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any city in this state containing more than fifteen thousand inhabitants to provide by ordinance for a department to be called the license and excise department; the mayor shall be, ex-officio, the head of such department; the other members of the department shall be appointed by the mayor, with the consent of the city council, and shall hold their office for such term, and shall perform such duties, and be paid such compensation as shall be prescribed by the ordinance creating the department; such ordinances shall define and lay down rules and regulations for the granting of licenses, in respect to all subjects in which the power of licensing is determined to be exercised by said city, and shall prescribe the penalties to be inflicted for the violation of such ordinance; *provided*, that the provisions of this act shall not apply to any city in this state in which the granting of such licenses is now vested in a board of excise or excise commissioners, or to any city wherein the courts of common pleas now grant licenses.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 11, 1880.

CHAPTER CCVII.

An Act authorizing the legislative bodies of the cities of this state to pass ordinances providing for the removal of dangerous walls, buildings, stacks and chimneys erected therein.

MUNICIPAL CORPORATIONS EMPOWERED TO MAKE AND ADOPT ORDINANCE FOR REMOVAL OF WALLS, BUILDINGS, STACKS, &C.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That each of the cities of this state shall have power by its legislative body, to make and adopt ordinances providing for and regulating the removal of walls, buildings, stacks and chimneys erected therein, that are liable to fall, or that are dangerous to life; said removal to be made by the owner, agent or person having control thereof; or in case of failure of such owner, agent or person as aforesaid, to remove or otherwise make safe the same within a specified time after complaint and notice, or in case such owner, agent or other person cannot be found, then by the proper city officer or officers designated for that purpose, but at the cost and expense of such owner, agent, or person controlling the same.

PENALTY FOR VIOLATION OF ORDINANCES.

2. *And be it enacted*, That any violation of any ordinance hereby authorized, may be punished by fine not exceeding fifty dollars for each day said violation shall continue.

3. *And be it enacted*, That this act shall be a public act, and go into effect immediately.

Approved March 25, 1881.

CHAPTER XXI.

An Act to authorize cities to license and regulate the erection of bill boards.

CITIES AUTHORIZED TO LICENSE THE ERECTION OF BILL BOARDS.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the common council, board of finance, or other legislative body however designated of any city of this state, to license the erection of bill boards in any of the streets, woods or highways of any such city; *provided*, that in addition to the authority of any governing body of any such city the consent of property owners in front of whose premises said bill boards are proposed to be erected, shall be first had and obtained before the erection thereof; and it shall be lawful for said common council, board of finance or other legislative body of any city to exact an annual license fee from the person or persons obtaining consent to erect such bill boards, which said license fee may be levied and collected for the purpose of revenue.

MAY PASS ORDINANCES FOR THE REGULATION AND PROTECTION OF LICENSE.

2. *And be it enacted*, That the common council, board of finance or other legislative body of any such city, may pass ordinances for the regulation and protection of the rights of persons obtaining such license.

3. *And be it enacted*, That this act shall be a public act, and shall go into effect immediately.

Approved February 24, 1882.

CHAPTER XXXII.

An Act to authorize cities and boroughs to provide, by ordinance, for the licensing, regulating, restraining and taxing of auctions and auctioneers.

CITIES AND BOROUGHS TO PROVIDE BY ORDINANCE THE LICENSING, &C., OF AUCTIONS AND AUCTIONEERS.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of aldermen, common council, or other legislative body of every incorporated city or borough within this state, shall have power to provide, by ordinance, for licensing, regulating, restraining and taxing of auctions, within the corporate limits of said city or borough, and of auctioneers carrying on or intending to carry on their said business within said limits, and to fix penalties for the violation of the same, and to prescribe the manner of collecting said penalties and of enforcing said ordinances.

2. *And be it enacted*, That all acts or parts of acts inconsistent herewith be and the same are hereby repealed, and that this act shall take effect immediately.

Approved March 1, 1882.

CHAPTER XXXIX.

An Act relating to the licensing and regulating of bill-posters in cities.

CITIES MAY PROVIDE BY ORDINANCES FOR THE LICENSING OF BILL-POSTERS.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the common council, board of finance, or other legislative body, however designated, of any city in this state, to provide, by ordinance, for the licensing of bill-posters in any such city, and to adopt such rules, regulations and restrictions with reference to the conduct of said business and the persons by whom it may be carried on, as to it shall seem proper; *provided*, that the consent of property owners in front of whose premises bill boards are erected, or bills posted shall be first had and obtained; and it shall also be lawful for said common council, board of finance, or other legislative body of any city, to exact an annual license fee from the persons engaged in said business, which said license fee may be levied and collected for the purpose of regulation.

2. *And be it enacted*, That this act shall be a public act and shall go into effect immediately.

Approved March 3, 1882.

CHAPTER CLXI.

An Act to amend an act entitled "An act respecting licenses in cities, incorporated boroughs, or police, sanitary and improvement commissions, and incorporated camp meeting associations or seaside resorts," approved March twenty-fifth, one thousand eight hundred and eighty-one.

COMMON COUNCIL, &C., MAKE ORDINANCES FOR THE LICENSING AND REGULATING CARTMEN, PORTERS, &C.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the common council, board of aldermen, or other governing body of any city, incorporated borough, town, or police, sanitary and improvement commission, incorporated camp meeting association or sea side resort, or other municipal corporations in this state, to make and establish ordinances for the following purposes, viz.: license and regulate cartmen, porters, hack, car, omnibus, stage and truck owners and drivers, and carriages and vehicles used for the transportation of passengers, baggage, merchandise, goods and articles of any kind, auctioneers, common criers, hawkers, peddlers, pawn brokers, junk shop keepers, keepers of bath houses, boarding houses and news stands, sweeps and scavengers, travelling shows and circuses, and to fix the rates of compensation to be paid therefor, and to prohibit unlicensed persons and vehicles from acting or being used in such capacities; and the fees for such licenses may be imposed for revenue; *provided*, that no person or persons shall be required to take out a license for the selling of any product of his farm.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 31, 1882.

CHAPTER LXXXV.

An Act concerning the government of cities of the second class.

LAWFUL TO CHANGE TIME OF BEGINNING AND ENDING OF FISCAL YEAR.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for cities of the second class in this state, by ordinance, to alter, change and establish the time of the beginning and ending of the fiscal year in any such city.

2. *And be it enacted*, That all acts and parts of acts, general and special, inconsistent with this act, be and the same are hereby repealed.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 13, 1883.

CHAPTER XCV.

An Act to establish an excise department in cities of this state.

COMMON COUNCIL MAY PROVIDE BY ORDINANCE FOR THE ESTABLISHMENT OF BOARD OF EXCISE.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cities of this state, it shall and may be lawful for the common council or other governing board of said city to pass, enforce, alter and repeal ordinances to take effect within said city for the following purposes, to wit: To provide for the establishment of a board of excise commissioners, to consist of five members, to serve for the term of three years, no more than three of whom shall belong to the same political party, which board shall be elected on a general ticket at the charter election in such city next after the passage of such ordinance in the same manner as other officers in said city are elected; *provided, however*, that no voter shall vote at such election for more than three of said commissioners, and the five persons receiving the highest number of votes for such office shall be declared duly elected; that the salary of said commissioners shall be fixed by ordinance, but shall not exceed the sum of three hundred dollars each per year, and the said salary shall be paid out of the license fees; that such commissioners of excise shall have the sole power to license and regulate or prohibit inns and taverns, restaurants and beer saloons, and when licensed to revoke or transfer such license and to prohibit all traffic in or sale of intoxicating drink or drinks, to license, regulate

and prohibit billiard saloons and bowling alleys on such terms and under such regulations or penalties as the said commissioners of excise shall, by their by-laws, impose, and no other license for such purposes within said city, granted by any other authority, shall be lawful; that all fees for licenses granted by said commissioners shall be paid to the city clerk, who shall, in addition to his other duties, act as the clerk of said commissioners, and by him be paid over to the city treasurer.

ORDINANCE NOT TO BE PASSED UNLESS TWO-THIRDS OF MEMBERS OF COUNCIL SHALL VOTE THEREFOR.

2. *And be it enacted*, That no such ordinance shall be passed in any city unless two-thirds of the members of the common council or other governing body of such city shall vote therefor.

WHEN ORDINANCE TO GO INTO EFFECT.

3. *And be it enacted*, That such ordinance or ordinances for the creation of such board of excise shall go into effect only upon its approval by the mayor of the said city, and it shall thereupon be the duty of the city clerk or other official charged with such duty to give at least three days notice of the proposed election for such excise commissioners.

COMMISSIONERS TO GIVE BONDS.

4. *And be it enacted*, That said excise commissioners shall give such bond for the faithful performance of their duties as the common council or other governing board of said city shall fix by ordinance.

5. *And be it enacted*, That all acts, and parts of acts, general and special, inconsistent with the provisions of this act, be and the same are hereby repealed, and this act shall take effect immediately.

Passed April 8, 1884.

CHAPTER CCXVIII.

An Act entitled "An Act relating to the depth and construction of foundation walls of buildings and the responsibility of adjoining property owners to each other in cities in the state of New Jersey."

COMMON COUNCIL, &C., OF CITIES MAY PROVIDE BY ORDINANCE FOR THE DEPTH AND CONSTRUCTION OF FOUNDATION WALLS, &C.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the common council of any city in this state, or other municipal board empowered by the charter to pass ordinances, to provide by ordinance for the depth of excavation below the established grade or curb line of any street in any such city not greater than ten feet, to which the owner of any land may excavate, in the erection of any building upon his own property, and to provide for the giving of notice in writing of such intended excavation to any adjoining owner or owners, and that they will be required to protect and care for their several foundation walls that may be endangered by such excavation, and to provide that in case of the neglect or refusal for ten days of such adjoining owner or owners to take proper action to secure and protect the foundations of any adjacent building or other structure, that the party or parties, or their agents, contractors or employees may enter into and upon such adjoining property, and do all necessary work to make such foundation secure, and recover for such work and labor in so protecting such adjacent property the cost

thereof and to make such further and other provisions in relation to the proper conduct and performance of said work as to said common council, or legislative board of any city may seem necessary and proper.

SUITS MAY BE MAINTAINED.

2. *And be it enacted*, That a suit may be maintained in any court having jurisdiction over the amount involved and the person of the plaintiff or defendant, to recover for any work done under any ordinance passed in pursuance of the first section hereof, in the protecting or securing of the buildings or foundation walls of adjacent owners as aforesaid.

3. *And be it enacted*, That this act shall take effect immediately.

Approved May 10, 1884.

CHAPTER CXXVI.

An Act concerning cities.

AUTHORITIES OF CITY MAY PASS ORDINANCE TO LICENSE PAWNBROKERS.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of aldermen, common council or other legislative body of any city of this state shall have power to pass, alter or repeal ordinances to take effect in such city, to license, regulate or prohibit the business of a pawnbroker, and to fix the license fee and terms upon which licenses for such purposes shall be granted, and no other license whether granted by a court or otherwise for any such purpose shall be valid within said city; *provided, however*, that in case any applicant for license shall have been theretofore licensed by a court or otherwise, and such license shall be then in force, the said city shall return to said applicant the license fee paid to the clerk of the court of common pleas upon receiving from said applicant a license fee in virtue of any ordinance.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 25, 1885.

CHAPTER CXL.

An Act relating to elections and appointments to offiee hereafter to be made by any board of aldermen, common council, township committee or other municipal board or body.

MEMBERS INELIGIBLE TO ELECTION TO OFFICE.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter no member of any board of aldermen, common council, township committee or other municipal board or body shall, during the term for which he shall have been elected such member shall be eligible for election or appointment to any office that is now or hereafter may be by law required to be filled by any such board, council, committee or body, of which he is such member; *provided, however*, that this act shall not apply to any offices now required by law to be filled from any such appointing body.

2. *And be it enacted*, That this act shall be deemed a public act and shall take effect immediately.

Approved March 31, 1885.

CHAPTER CCXLIII.

A supplement to an act entitled "An act respecting licenses in cities, incorporated boroughs or police, sanitary and improvement commissions, and incorporated camp-meeting associations or seaside resorts," approved March twenty-fifth, one thousand eight hundred and eighty-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of the act to which this is a supplement be amended so that the same shall read as follows :

LAWFUL FOR AUTHORITIES TO ESTABLISH ORDINANCE TO LICENSE CERTAIN PERSONS.

[1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the common council, board of aldermen or other governing body of any city, incorporated borough or police, sanitary and improvement commission, incorporated camp-meeting association or seaside resort in this state to make and establish ordinances for the following purposes: to license and regulate cartmen, porters, hacks, cars, omnibuses, milk wagons, stages and all other carriages and vehicles used for the transportation of passengers, baggage, merchandise and goods and chattels of any kind; and the owners and drivers of vehicles and means of transportation, also auctioneers, common criers, hawkers, peddlers, pawnbrokers, junk shop keepers, keepers of bath houses, boarding houses, and news stands, sweeps, scavengers, traveling and other shows, circuses, theatrical performances, plays, exhibitions, concerts,

skating rinks, itinerant venders of medicines and remedies and persons professing and practicing the healing art, and also the place or places and premises in which or at which the different kinds of business or occupation mentioned herein are or may be carried on or conducted; and to fix the rates of compensation to be paid therefor, and to prohibit all persons and places, and all vehicles unlicensed from acting, using or being used in said capacities, and for such uses and purposes and to fix and prescribe penalties for the violation of any such ordinance or ordinances, and that the fees for such licenses may be imposed for revenue; *provided*, that no person or persons shall be required to take out a license for the selling of any product of his farm situated in this state.]

2. *And be it enacted*, That this act shall take effect immediately.

Approved May 2, 1885.

CHAPTER CXLIX.

An Act relating to the fiscal year of cities.

BEGINNING AND ENDING OF FISCAL YEAR IN CITIES, HOW CHANGED.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the common council or other legislative body of any city in this state to change, by ordinance, with the concurrence of the board or body having charge or control of the finances of such city, the date of the beginning and ending of its fiscal year.

MAY APPROPRIATE AND USE UNEXPENDED BALANCES OF TAXES TO PROVIDE FOR EXPENSES CAUSED BY CHANGING OF FISCAL YEAR.

2. *And be it enacted*, That in order to provide for the current expenses of any city between the ending of its fiscal year as now fixed by law and the beginning of the fiscal year that may be fixed in pursuance of this act, it shall be lawful for any city to appropriate and use for that purpose any or all of its unexpended balances of taxes, whether collected or not; *provided*, that the amount so appropriated shall not be in excess of the amount expended during the corresponding period of time in the year next preceding; *and provded, further*, that no balance or arrears of taxes that may have been pledged to secure any debt shall be used for the purpose aforesaid.

3. *And be it enacted*, That all acts and parts of acts

inconsistent with the provisions of this act be and the same are hereby repealed, and that this act shall take effect immediately.

Approved April 12, 1886.

CHAPTER CCXLI.

A supplement to an act entitled "An act to secure the performance of contracts for city improvements within the time required by such contract," approved February eighth, eighteen hundred and eighty-three.

ADVERTISEMENT TO CONTAIN NUMBER OF DAYS TO BE ALLOWED FOR COMPLETION OF IMPROVEMENT.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any city city in this state shall publish an advertisement for proposals for any improvement to be made in any such city, such advertisement shall contain a statement of the number of days to be allowed for the completion of such improvement.

CONTRACT TO CONTAIN NUMBER OF DAYS ALLOWED FOR COMPLETION OF IMPROVEMENT, &C.

2. *And be it enacted*, That the contract entered into between any such city and any contractor, for every improvement in any such city, shall contain a statement of the number of days to be allowed for the completion of any such improvement; and such contract shall provide that in case of the non-completion of any such improvement within the time so specified and allowed, any such city may deduct and retain out of the moneys due or which may be or become due to the contractor from any such city, such sum as shall be sufficient to pay the wages of the inspector or inspectors of any such improvement for each and every working day from the time so allowed

for the completion of any such improvement up to the time when the same shall have been completed; *provided, however*, that, when, in the making of any such improvement, it shall be found that the work actually to be done and performed is in excess of the quantity of work estimated in any such advertisement or contract to be done, then such deduction for the payment of such inspector's wages shall be allowed only from and after the time, in addition to the time first allowed, when such excess of work could reasonably be expected to be completed.

WORD "DAY," HOW DEEMED AND TAKEN.

3. *And be it enacted*, That the word "day" wherever the same occurs in this act, shall be deemed and taken to be a day fit for work in the making of any such improvement.

4. *And be it enacted*, That all acts and parts of acts inconsistent with this act be and the same are hereby repealed.

5. *And be it enacted*, That this act shall take effect immediately.

Passed May 11, 1886.

CHAPTER CCLIV.

An Act to authorize cities of this state to change the time fixed for the payment of taxes.

LAWFUL FOR CITY TO CHANGE TIME FOR PAYMENT OF TAXES.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for any city of this state in which the time for the payment of the annual taxes is fixed by charter, to change the same by ordinance of the common council, board of aldermen or other governing body of such city, by and with the consent of the board having charge and control of the finances in such cities, to any other time which, in the opinion of the said common council or board of aldermen or other governing body, may be more suitable to the inhabitants of such city.

2. *And be it enacted*, That all acts and parts of acts and charter provisions inconsistent herewith be and they are hereby repealed, and this act shall be deemed a public act and shall take effect immediately.

Approved April 2, 1888.

CHAPTER CCCXXII.

An Act to authorize cities to expend the money received for license fees for sale of intoxicating and brewed liquors.

MONEYS RECEIVED FOR LICENSE FEES, HOW EXPENDED.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cities of this state where the fees received for licenses for sale of intoxicating and brewed liquors are, by the charter of any of said cities, appropriated, designated or set apart for any particular department of said city, and the excess of said fees is not otherwise provided for by the charter of any such city, that the board of aldermen, common council or other governing body having control over the appropriation of the money raised by taxes in any such city, may, by ordinance, appropriate and expend the excess of the fees so received, over and above the amount required for such specific appropriation or appropriations, for any other department or departments, and if unappropriated, such excess shall go to the credit of the contingent account; *provided*, that nothing in this act shall affect cities whose charters direct that fees received from licenses shall be paid into the sinking fund, or be applied to the reduction of the bonded debt of such city.

2. *And be it enacted*, That this act shall take effect on the first day of May, one thousand eight hundred and eighty-eight.

Approved April 23, 1888.

CHAPTER CCCXXXI.

An Act to enable cities in this state to pay past due improvement certificates out of the general funds of such cities.

LAWFUL FOR CITY TO PAY CERTIFICATES OUT OF GENERAL FUND.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for any city in this state in which improvement certificates have been or shall be issued to any person for work done or to be done, or materials furnished or to be furnished for the construction, grading or improvement of any street, sewer or other public improvement in such city, where the costs and expenses of such improvements have not been collected by such city, or paid over by the owners of the property assessed for such improvement, to pay the said certificates on presentation by the holders thereof to the treasurer of such city, out of the general contingent fund of such city, or in the same manner that a judgment for the amount of such certificate or certificates would be met and paid by such city before the passage of this act.

2. *And be it enacted*, That all acts or parts of acts inconsistent herewith be and they hereby are repealed, and that this act shall take effect immediately.

Approved April 24, 1888.

CHAPTER XXVI.

An Act concerning cities.

PURPOSES FOR WHICH ORDINANCES MAY BE PASSED.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the board of aldermen or common council of any incorporated city of this state to pass ordinances for the following purposes: to license and regulate omnibusses, carriages and all other vehicles used for the transportation of passengers, baggage, merchandise and goods and chattels of any kind, and the owners and drivers of vehicles and means for and of transportation, also common criers, peddlers, pawnbrokers, sweeps, scavengers, musicians when playing on the street and not in procession or parade, traveling and other shows, circuses, theatrical performances, plays, athletic exhibitions, concerts, skating rinks, and also the place or places or premises in which or at which the different kinds of business or occupation mentioned herein, are or may be carried on or conducted, and to fix the rate of compensation to be paid therefor, and to revoke any of said licenses, and to prohibit all such persons and places, and all vehicles unlicensed from acting, using or being used in said capacities and for such uses and purposes, and to impose fees for said licenses, and to fix and prescribe penalties for the violation of any such ordinance or ordinances.

2. *And be it enacted*, That all acts and parts of acts inconsistent herewith, be and they are hereby repealed, and this act shall take effect immediately.

Approved March 4, 1889.

CHAPTER LIII.

An Act to regulate the sale of spirituous, vinous, malt and brewed liquors, and to repeal an act entitled "An act to regulate the sale of intoxicating liquors," passed March seventh, one thousand eight hundred and eighty-eight.

LICENSES TO SELL IN QUANTITIES LESS THAN A QUART TO BE DRUNK ON PREMISES.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter no license to keep an inn or tavern, or to sell spirituous, vinous, malt or brewed liquors, in quantities less than one quart, to be drunk on or about the premises where sold, shall be granted by any court, excise board or other board or authority having power by law to grant license, except upon payment by the applicant or licensee of a license fee, as hereinafter mentioned, that is to say: in all townships, towns, boroughs or cities having, by the census last preceding the granting of such license, a population of not more than three thousand, a license fee of not less than one hundred dollars; in all townships, towns, boroughs or cities having, by such census, a population exceeding three thousand and not exceeding ten thousand, a license fee of not less than one hundred and fifty dollars; and in all townships, towns, boroughs or cities having, by such census, a population exceeding ten thousand, a license fee of not less than two hundred and fifty dollars; no license shall be granted for a longer period than one year, and any person selling or offering or exposing for sale any of the liquors aforesaid, in quan-

tities less than one quart, without a license for that purpose first had and obtained, shall be guilty of the offense of keeping a disorderly house.

NO PERSON TO SELL WITHOUT A LICENSE.

2. *And be it enacted*, That from and after the expiration of sixty days next succeeding the passage of this act, no person or persons whomsoever shall sell or offer or expose for sale any of the liquors aforesaid, in any quantity from one quart to five gallons, without a license for that purpose first had and obtained as hereinafter directed; and from and after the expiration of sixty days, any person or persons selling or offering or exposing for sale any liquors aforesaid, in any quantity from one quart to five gallons, without a license for that purpose first had and obtained according to the provisions of this section, or any person or persons having a license under and in pursuance of this section, who shall suffer or permit any of the said liquors sold by virtue of such license to be drunk on or about the premises where sold, shall be guilty of the offense of keeping a disorderly house.

APPLICATIONS FOR LICENSES, TO WHOM MADE AND WHAT TO STATE.

3. *And be it enacted*, That applications for such license as is mentioned and referred to in the second section of this act shall be made, in each muicipality, to the same body as applications for license to sell any of said liquors by less measure than one quart are or shall be required by law to be made, which applications shall be written or printed, or partly written and printed, signed by the applicant, specifying the kind or kinds of liquor or liquors to be sold, and stating the township, town, borough or

city, and the building or place therein, in which the sale of such liquor is to be carried on; the body to which any such application is presented may, on the presentation thereof or at some other time to which the same may be deferred, in its discretion, grant or refuse such application for license; such license, if granted, shall not be granted for a longer period than one year, nor except upon payment by the licensee of a license fee as hereinafter provided, that is to say: in all townships, towns, boroughs or cities having, by the census last preceding the granting of such license, a population of not more than three thousand, a license fee of not less than one hundred dollars; in all townships, towns, boroughs or cities having by such census, a population exceeding three thousand and not exceeding ten thousand, a license fee of not less than one hundred and fifty dollars; and in all townships, towns, boroughs or cities having, by such census, a population exceeding ten thousand, a license fee of not less than two hundred and fifty dollars.

ONE-FIFTH OF LEGAL VOTERS MAY PETITION TO COURT AS TO FEE FOR LICENSES.

4. *And be it enacted*, That upon application by a petition signed by at least one-fifth of the legal voters voting at the last previous gubernatorial election for governor, of any township, town, borough or city wherein licenses are required to be granted by the court of common pleas of the county, being made to the law judge or circuit judge in and for the county wherein said township, town, borough or city may be located, setting forth the desire of such petitioners that not less than a certain sum of money, to be named and specified in such petition, be charged and paid for licenses thereafter to be granted to sell the liquors aforesaid, or any of them, by less measure

than one quart, within such township, town, borough or city, it shall be the duty of such judge to cause public notice of such application to be given by publication in each newspaper, if any, published in such township, town, borough or city, and by such other methods as such judge may deem proper and necessary, for two weeks next preceding the hearing of such application; said notice shall fix a time and place when and where such judge will consider said application; at which time and place he shall hear any person or persons who may appear before him, upon the question of such petitioners being legal voters in such township, town, borough or city, or any other matter which may be brought before him for his determination, touching said application; and if said judge shall decide that said applicants legal voters in such township, town, borough or city, and that said application is made in good faith, and that no legal cause exists why said application should not be granted, he shall, within thirty days after the presentation of such petition, order an election to be held at the usual place or places of holding elections in such township, town, borough or city, to determine whether or not any license to sell said liquors, or any of them, by less measure than one quart, shall thereafter be granted in such township, town, borough or city, for any less sum of money than the amount named and specified in such petition; but in no case shall the sum named and specified in any such petition be less than the minimum sum named in and required to be paid for license fees by section one of this act, in the township, town, borough or city wherefrom such petition shall be presented; no such election shall be held within sixty days of any general election, and the day fixed for the holding thereof shall not be less than two months nor more than five months from the making of the order therefor.

NOTICE OF ELECTION TO BE PUBLISHED.

5. *And be it enacted,* That notice of any election to be held under the provisions of this act shall be published at least once in each week, or for three weeks next preceding such election, in all newspapers, if any, published in said township, town, borough or city where such election is to be held, and such other notice shall be given as such judge may deem necessary to order and direct; all such elections shall be held under the same regulations as now are or may be prescribed by law for holding the elections for members of the general assembly of this state, and all penalties contained in said election laws are hereby extended to, and shall apply to the special elections to be held under this act; and it shall be the duty of the judges, inspectors and clerks of the election precincts to conduct the said election, to canvass the votes cast and declare the result thereof, and to make and sign two certificates of such result; one of said certificates shall, within five days after such election, be by some member of said election board, appointed by such board for that purpose, transmitted to and filed with the clerk of the county within which the township, town, borough or city wherein such election was held is situate; the other of said certificates shall, within said five days, be filed with the clerk of the township, town, borough or city where such election was held; the officers holding such election shall receive the same compensation as is or may be provided for the officers holding the elections for members of assembly in this state, to be paid out of the funds of the township, town, borough or city in which such special election is held.

BALLOTS, WHAT TO CONTAIN.

6. *And be it enacted*, That all persons voting at elections held under this act, who are not in favor of the sum named and specified in any such petition and order as aforesaid being fixed and established as the minimum amount to be charged and paid for such licenses thereafter to be granted in said township, town, borough or city, shall have written or printed, or partly written and partly printed, on their ballots, "against $—— license fee," designating, as the case may require, the sum named and specified in the petition and order for such election; and all persons who favor the sum named and specified in such petition and order as the minimum sum to be fixed and established for such licenses thereafter to be granted in such township, town, borough or city, shall have written or printed, or partly written and partly printed, on their ballots, "for $—— license fee," designating, as the case may be, the sum named in such petition and order for said election.

NO LICENSE TO BE GRANTED EXCEPT UPON PAYMENT OF FEE FIXED AT ELECTION.

7. *And be it enacted*, That if a majority of the votes cast at such election are in favor of the sum voted upon, no license shall thereafter be granted within such township, town, borough or city so voting, except upon payment by the licensee of a license fee not less in amount than the sum established and fixed at such election as the minimum fee to be charged and paid for the license granted.

NO ELECTION TO BE HELD IN LESS THAN THREE YEARS.

8. *And be it enacted*, That whatever may be the

result of any election held under the provisions of this act, no other election for the purpose of fixing and establishing the minimum of license fees, shall be held in the same township, town, borough or city, in less time than three years thereafter, and then only upon the presentation of a new petition and proceedings thereon as aforesaid.

FEES FOR LICENSES GRANTED BY COURT, TO WHOM PAID

9. *And be it enacted*, That from and after the passage of this act all license fees (except court and clerk fees) paid for any and all licenses to sell any of the liquors aforesaid, granted by the courts of common pleas of the different counties of this state, shall be received by the clerks of said court to and for the use of the township, town, borough or city within which the license granted is to be exercised and enjoyed; and all such fees received by any such clerk shall within thirty days after the receipt thereof, be by such clerk transmitted to the proper township, town, borough or city, to the person or body having the legal custody of the funds thereof, to be by the governing body in such township, town, borough or city used, employed and disbursed for the uses and purposes of such township, town, borough or city.

FOR WHAT OFFENCES LICENSES TO BE FORFEITED AND VOID.

10. *And be it enacted*, That if the holder of any such license as is mentioned and referred to in the first three sections of this act, shall contrary to law, sell, or offer for sale, barter or give, or suffer to be sold, or offered for sale, bartered or given within his tavern, beer-shop, liquor saloon or other premises, any spirituous, vinous, malt or brewed liquors, on

the first day of the week, commonly called Sunday, or shall give or sell, or offer to be given or sold, any such liquors to any minor or apprentice contrary to law, or shall sell or furnish any of the liquors aforesaid to any person known in the neighborhood to be of confirmed intemperate habits, or who is visibly under the influence of intoxicating liquors, or shall keep a disorderly house, or shall harbor drunken persons, vagrants, idle and vicious persons, thieves, gamblers, prostitutes or other disorderly persons, or shall suffer gambling or unlawful games of chance or other unlawful acts to be done or carried on in his tavern, beer-shop, liquor saloon or other premises, or shall violate any law of the state regulating the sale of intoxicating liquors, his license shall thereby become forfeited and void; and upon complaint of any three persons, residents and legal voters of the township or municipality wherein such license is used and exercised, verified by the oaths of such complainants, being presented to the court or other body by which the license to the person complained against was granted, alleging that any such license as aforesaid has become forfeited and void, and specifying the acts complained of which shall be alleged to have worked such forfeiture, it shall be the duty of the court or other body to which such complaint may be presented forthwith to cause to be indorsed on such complaint an order that the person complained against show cause before such court or other body granting such license, at a time and place to be specified in such order, not less than ten nor more than thirty days from the making thereof, why his license should not be declared forfeited and revoked; said complaint and order shall be filed with the court or other body making the same, and a copy thereof served upon the person complained against, personally, or by leaving

the same at his residence or his tavern, beer-shop, liquor saloon or other licensed place, at least five days before the return of said order; and all such complaints shall be heard in a summary way, the burden of proof being upon the complainants, and either party may have the attendance of and be represented and heard by counsel; if, on such hearing, the defendant shall be found guilty of the offenses specified in said complaint, or any of them, judgment shall be rendered that the license theretofore granted such person be revoked and annulled; and in case the defendant be found not guilty, the order to show cause shall be discharged; in case a license be revoked, the person to whom the same was granted shall be disqualified for one year from receiving a license in this state; the court or body making such order to show cause may require the complainants to file a stipulation for costs, and the costs of such hearing shall be paid by the defendant, if found guilty, and by the complainants if the rule or order show cause be discharged; costs to be ascertained and determined by the court or body before which the hearing shall take place; the remedy provided in this section is in addition to the other penalties provided by law.

WHEN LICENSES ARE NOT TO BE GRANTED.

11. *And be it enacted*, That no license to sell spirituous, vinous, malt or brewed liquors by less measure than one quart, shall be granted by any court, excise board or other board of authority having power to grant licenses, in any store, apartments, or place in which any grocery store or other mercantile business is carried on, excepting, however, the keeping of a restaurant and the sale of tobacco and cigars by retail; and any person engaging in the sale of any of said liquors, directly or indirectly, con-

trary to the provisions of this section, whether licensed or unlicensed, shall be guilty of the offense of keeping a disorderly house.

DRUGGISTS AND PHARMACISTS MAY SELL LESS MEASURE THAN A QUART WITHOUT A LICENSE.

12. *And be it enacted*, That it shall and may be lawful, notwithstanding anything in this act contained, for druggists and pharmacists, regulary employed in and carrying on the drug and pharmacy business, to sell said liquors, or any of them, by less measure than one quart, without a license for that purpose first had and obtained; *provided*, that such liquors so sold be in good faith compounded or sold for medicinal uses and purposes only, upon the prescription of a reputable physician, signed by such physician; said liquors so compounded or sold not to be used or drunk on or about the premises where sold; any druggist or pharmacist furnishing or selling, or offering or exposing for sale any of said liquors by less measure than one quart, contrary to the provisions and true intent and meaning of this section, shall be guilty of the offense of keeping a disorderly house.

NOT NECESSARY TO PROVE PARTICULAR KIND OF LIQUOR SOLD, ON EXAMINATIONS OR TRIALS.

13. *And be it enacted*, That whenever it shall appear by proof on any examination or trial for an alleged offense, against the provisions of this act, that any spirituous, vinous, malt or brewed liquor has been sold, exposed for sale or supplied on any pretext whatever, where the sale of such liquors would have been unlawful, it shall not be necessary to prove the particular kind of liquor sold, exposed for sale or given away.

PERSONS TWICE CONVICTED OF KEEPING DISORDERLY HOUSE DISQUALIFIED FROM HAVING A LICENSE.

14. *And be it enacted*, That if any person shall hereafter be twice convicted of the offense of keeping a disorderly house, the court before which such conviction is had, shall in addition to all other penalties that may be imposed, add thereto that such person so convicted be thenceforth disqualified from having or receiving a license in this state.

CERTAIN ACT REPEALED.

15. *And be it enacted*, That the act entitled "An act to regulate the sale of intoxicating and brewed liquors," passed March seventh, one thousand eight hundred and eighty-eight, be and same is hereby repealed.

16. *And be it enacted*, That all acts and parts of acts inconsistent herewith or repugnant hereto, be and the same are hereby repealed.

17. *And be it enacted*, That this act shall take effect immediately.

Approved March 20, 1889.

CHAPTER CCLXXXVIII.

An Act to regulate the number of votes required by cities of the second and third classes to adopt resolutions and motions relating to the expenditure of money.

RESOLUTIONS OR MOTION MUST RECEIVE A MAJORITY VOTE OF LEGISLATIVE BODY.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cities of the second and third classes of this state, no resolution or motion involving the expenditure of money shall be adopted or passed by the board of aldermen, common council or other legislative body of any such city by a vote of less than a majority of the whole number thereof.

2. *And be it enacted*, That this act shall take effect immediately.

Approved May 13, 1889.

CHAPTER LXXII.

An Act to authorize cities of the second class to divide one or more wards, and to form new wards therefrom.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any city of the second class of this state, the common council, board of alderman or other legislative body thereof shall have power and authority, by ordinance passed by a three-fourths vote of all the members thereof, and with the approval of the mayor, to divide one or more wards, as now established, of any such city, into two wards, so that each ward, as now established, when divided, shall make two wards; provided, however, that no more than two wards in any of said cities shall be so divided in five years.

2. *And be it enacted*, That the officers of the old ward or wards so divided shall continue to act as such officers for the remaining part of the old ward or wards and that the common council or other legislative body of any such city shall appoint election officers for the new ward or wards so created, and shall also fix and determine the election districts in such new wards, and also in the old wards so divided; and that at the next general charter election following such division, councilmen or aldermen, commissioners, of public instruction or school commissioners, freeholders, constables and all other officers to be elected for the wards of any such city, shall be elected in the same manner for the new ward or wards, and when the terms of any such officers ex-

pire at different periods, they shall be elected, at said election, for short and long terms respectively.

3. *And be it enacted*, That all such officers elected for the new ward or wards of any such city, shall exercise the same rights and privileges and perform the same duties as like officers elected from the old wards.

4. *And be it enacted*, That this act shall take effect immediately.

Passed March 24, 1880.

CHAPTER XCVIII.

An Act respecting licenses in cities, townships, incorporated towns, incorporated boroughs, or police, sanitary and improvement commissions, and incorporated camp-meeting associations and seaside resorts.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the common council, board of aldermen, township committee or other governing body of any city, township, incorporated town, incorporated borough, or police, sanitary and improvement commission, incorporated camp-meeting association or seaside resort in this state, to make and establish ordinances for the following purposes, viz.: to license and regulate cartmen, porters, hacks, cars, omnibusses, stages and all other carriages and vehicles used for the transportation of passengers, baggage, merchandise, and goods and chattels of any kind; and the owners and drivers of vehicles and means of transportation, also auctioneers, common criers, hawkers, peddlers, pawnbrokers, junk-shop keepers, keepers of bath-houses, boarding-houses and news-stands, sweeps, scavengers, traveling or other shows, circuses, theatrical performances, plays, exhibitions, concerts, skating-rinks, itinerant venders of merchandise, medicines and remedies, and also the place or places or premises in which or at which the different kinds of business or occupation mentioned herein are to be carried on or conducted; and to fix the rates of compensation to be paid therefor, and to prohibit all persons and places and all vehicles unlicensed

from acting, using or being used in said capacities, and for such uses and purpose, and to fix and prescribe penalties for the violation of any such ordinance or ordinances, and that fees for such licenses may be imposed for revenue; *provided*, that no person or persons shall be required to take out a license in order to sell any product of his farm, or to sell meat or milk.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 31, 1890.

CHAPTER CCXXX.

An act concerning the granting of licenses for shows, circuses and athletic exhibitions in cities.

1. Be it enacted *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the board of aldermen or common council of any incorporated city of this state to pass ordinances for the following purposes; to license, regulate and prohibit travelling and other shows, circuses and menageries, also athletic and scientific exhibitions, also theatrical and variety performances and plays, also plays, singing or performances of any kind in any place where liquors are sold, and to revoke any of said licenses, and to fix and prescribe penalties for the violation of any such ordinance or ordinances, and that the license fees to be charged for such purpose shall be as follows, to wit: for a license for a circus, with or without a menagerie, charging twenty-five cents or more for one admission, the sum of not exceeding five hundred dollars for each day; for a license for a circus, with or without a menagerie, charging from ten to twenty-five cents for a single admission, the sum of not exceeding one hundred dollars for the first week, and the sum of not exceeding fifty dollars for each week thereafter the same shall continue; for a license for a concert charging fifty cents or more for a single admission, the sum of not exceeding twenty-five dollars for each concert, but this provision shall not apply to a concert or entertainment given for charitable or benevolent pur-

poses; for a license for an athletic or scientific exhibition, the sum of not exceeding one hundred dollars for each exhibition; for a license for a theatre or for a theatrical or variety performance or play, the sum of not exceeding and at the rate of three hundred and fifty dollars a year; for a license to permit plays, singing or performances of any kind in any place where liquors are sold, the sum of not exceeding and at the rate of twenty-five dollars a month.

2. *And be it enacted*, That all acts and parts of acts inconsistent herewith, be and the same are hereby repealed, and that this act shall take effect immediately.

Approved May 28, 1890.

CHAPTER CXVII.

An Act to authorize common councils of cities to appropriate moneys to establish or aid public libraries and free reading rooms.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the common council of any city of this state to appropriate from any moneys not otherwise appropriated such sum of money, not exceeding one thousand dollars, as may in their judgment be deemed necessary to establish or aid public libraries and free reading rooms.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 2, 1890.

ACTS

RELATING TO

STREETS,

PARKS OR SQUARES

AND

CITY HALL.

Streets.

CHAPTER XCVIII.

An Act to authorize certain streets, marked out on a plan of the city of Hoboken, to be changed.

WHEREAS, on a plan of the city of Hoboken, filed in Bergen county clerk's office, on the eighth day of April, eighteen hundred and fifty-five, and by which sales of lots have been made, a part of the land north of Sixth street and east of Hudson street, were laid out in lots, and streets were marked only on said plan, and without any actual survey or lying out upon the ground; AND WHEREAS the said lands are elevated at a great height above the grade of the other streets of the city, and consist of solid rock, and the streets, as plotted on said plan, can never be opened and graded to any proper city grade, except at a cost that will exceed the value of the lots when graded, and thus destroy the value of the land; AND WHEREAS, other streets can be planned and laid over said lands, more adapted to the natural grade of the surface, that will greatly add to the value of the said lands; AND WHEREAS, no streets have been opened or lots sold in said part of said lands, and no individual has acquired any right in said lands, except the owners of the same, but it is suggested that, by reason of the filing of said map and the sales thereby, that the public may have acquired a claim to call for the opening of said streets, and Edwin A. Stevens and the other owners of said lands, have applied for a law annulling

any right that might exist in the public or anybody or person whatever, to require said streets to be opened, and authorizing them to lay out other streets, to be laid out in the place of the same, and it appearing that such change will be beneficial to the public and all parties interested; therefore,

PARTS OF CERTAIN STREETS VACATED.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the street marked out on the said plan of the city of Hoboken, next east of Hudson street and parallel thereto and north of Seventh street, and all that part of Second street, east of Hudson street and parallel thereto, and north of Sixth street, and all that part of Seventh street east of the street next east of Hudson street, and all that part of Eighth street east of Hudson street, are hereby vacated and made void; and it shall not be lawful for any public or municipal authorities, or and person whatever, to open or use the same as public streets; and the lands shall be held by the owners of the fee, free from any easement or right of a street or road over the same.

NEW STREETS TO BE LAID OUT.

2. *And be it enacted*, That the owners of the lands across and over which said streets are laid out, are hereby authorized and required to lay out, in lieu of said streets so vacated, on said lands, and on the lands north of and adjacent thereto, other streets, in such manner as shall be, in their judgment, most beneficial to the public interest, said new streets to contain as many superficial feet of land as those do that are hereby declared vacant and void, and to file a plan or map, designating such new streets, in the

office of the clerk of the county of Hudson, before the first day of January next; and the filing of such map shall be an agreement to dedicate such new streets, so laid out thereon, to public use; and they shall be public streets, whenever the opening of the same may be called for by the proper municipal authorities of the city of Hoboken.

Approved March 6, 1858.

CHAPTER XLI.

An Act to confirm the laying out of the westerly part of the city of Hoboken, according to the map of the tract of land belonging to the estate of John G. Coster, deceased, made by Daniel Ewen and Austin D. Ewen, city surveyors, New York, in November, eighteen hundred and sixty, and filed in the office of the clerk of Hudson county, and to close and vacate all roads and parts of roads within the limits of the said tract, so as to conform to the said map.

WHEREAS, the tract of meadow land belonging to the estate of John G. Coster, deceased, and comprising the western part of the city of Hoboken, has been plotted and laid out, with streets and avenues over the same, according to a certain map entitled "map of property situate at Hoboken, Hudson county, New Jersey, belonging to the estate of John G. Coster, deceased, surveyed and laid out into lots, November, eighteen hundred and sixty, by Daniel Ewen, Austin D. Ewen, city surveyors, New York," which is on file in the office of the clerk of the county of Hudson, and such streets and avenues and the arrangement and direction of the same have been made to correspond with the streets and avenues running through and across the eastern portion of the said city—therefore,

PLOTTING AND LAYING OUT, CONFIRMED.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the afore-

said plotting and laying out of that portion of the said city of Hoboken, which is comprised within the limits of the said tract of land, be and the same are hereby ratified and confirmed, and that such portion of the said city be laid out with streets and avenues according to the said map.

ROADS VACATED.

2. *And be it enacted*, That all roads or parts of roads running over the said tract of land different from the streets and avenues laid down upon said map, be and the same are hereby vacated and discontinued; *provided, however*, that the road now running across the said tract of land to West Hoboken, and known as the "West Hoboken Road," may be used as the same now is until one of the streets contiguous to the same laid down upon the said map shall be actually opened and rendered fit for use; *and provided also*, that when any of the roads or parts of roads now running across said property shall be altered or closed, the streets or avenues opened in place thereof shall be regulated and improved so as to afford equal facilities for the public for passage over the same as such roads or parts of roads may give to the public previous to such vacation; *provided also*, that so much of the avenue known as Newark avenue, and shown upon said map, from the point of contact with the southerly line of Ferry street to the westerly line of said property, and also the road leading from the westerly line of said property to the bridge at or near the foot of Bergen Hill, shall in no event be reduced to less than eighty feet in width.

3. *And be it enacted*, That this act shall take effect immediately.

Approved February 16, 1863.

It was decided by the Supreme Court in Zatta vs. Hoboken that this act did not establish grades for the lowlands.

CHAPTER CCXXXV.

An Act to vacate a portion of an alley called Court street, in the city of Hoboken.

WHEREAS, upon a certain map of Hoboken, made by Charles Loss, a certain alley, called Court street, was marked and established, and as that portion of said alley lying between Seventh and Eighth streets has never been opened; therefore,

STREET VACATED.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of Court street, as the same is laid out on the map of Hoboken made by Charles Loss, lying between Seventh and Eighth streets, in the city of Hoboken, be and the same is hereby vacated.

LAND TO REVERT TO OWNERS.

2. *And be it enacted*, That the land of said Court street shall revert to the owners of lots fronting upon said street, from the sides of street to the centre thereof.

3. *And be it enacted*, That this act shall be deemed and taken to be a public act and shall take effect immediately.

Approved March 21, 1865.

CHAPTER CCCLXXII.

A further supplement to "An Act to incorporate the city of Hoboken, approved March twenty-eighth, eighteen hundred and fifty-five."

WHEREAS, John Stevens, dedicated to public uses in eighteen hundred and four, a portion of the tract of land in Hudson county called Hoboken, bounded on the north by Fifth street, on the south by Fourth street, on the east by Garden street, and on the west by Willow street, and designated said tract of land on a map thereof, then made by him, a square; and whereas, the fee of said square is in parties other than the mayor and council of the city of Hoboken, and a building is now illegally maintained thereon; and whereas, it is desirable that said building shonld be turned into a city hall, and the title in fee simple of said square vested in the city of Hoboken; therefore.

MAYOR AND COUNCIL AUTHORIZED TO OBTAIN ABSOLUTE TITLE, &C.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the mayor and council of the city of Hoboken, be and they are hereby authorized to purchase or obtain by gift the absolute title in fee of the whole or any portion of said square, and receive good and sufficient deeds therefor, and to pay the several parties owing the fee of any portion of said square such sums of money as they may deem proper, the whole of the expenditures for this purpose not, however, to exceed ten thousand dollars.

BUILDING MAY BE CONVERTED INTO A CITY HALL.

2. *And be it enacted*, That when said mayor and council shall have purchased or acquired by gift the fee of the portion of said square on which the Methodist Episcopal Church now stands, that they may convert the said building into a city hall and use it for public purposes, and in making the alterations necessary therefor may extend a sum not exceeding three thousand dollars.

EXPENSE TO BE RAISED BY TAX.

3. *And be it enacted*, That the several sums of money mentioned in the preceding sections of this act may be included in the next general tax ordinance for raising and collecting the annual taxes for said city of Hoboken, and the same shall be assessed, collected and raised as other taxes in said city are assessed, collected and raised.

ACT TO BE SUBMITTED TO THE PEOPLE OF THE CITY AND DECIDED BY VOTE.

4. *And be it enacted*, That at the next charter election held in the city of Hoboken this act shall be submitted to the people of said city; and each voter in favor of this act shall express his assent thereto by depositing a ballot, on which there shall be written or printed the words "For City Hall"; and each voter opposed to this act shall express his opposition thereto by depositing a ballot on which shall be written or printed the words "Against City Hall"; the officers conducting said election shall receive and count said ballots, and certify the result to the council of said city; said words whether for or against this act may be written or printed on the general ticket containing the names of the city and

ward officers voted for at said election.

POWERS NOT TO BE EXERCISED UNTIL ASSENTED TO BY A MAJORITY VOTE AT NEXT CHARTER ELECTION.

5. *And be it enacted*, That the powers granted in this act shall not be exercised by the council of said city, unless a majority of those voting at the next charter election in Hoboken express their assent to this act in the mode prescribed in section four of this act.

6. *And be it enacted*, That this act shall take effect immediately.

Approved April 7, 1868.

CHAPTER CCLXV.

An Act to authorize the laying out of an avenue in each city of this state not exceeding eighty feet wide, as provided in this act.

MUNICIPAL BOARD AUTHORIZED TO LAY OUT AVENUE.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the municipal board in any city having power to lay out and open streets, shall have power hereafter to lay out and open one avenue in such city not exceeding eighty feet in width, without compliance with any of the provisions of in the charter of any city, and only upon compliance with the provisions of this act; *provided*, that the provisions of this act shall not apply to any city of this state having a population of more than one hundred and seventeen thousand or less than fifteen thousand by last United States census.

WHEN TO BE LAID OUT.

2. *And be it enacted*, That such avenue shall only be laid out when it is to connect some avenue or street already laid out in said city with a street or avenue in an adjoining city; *provided*, that the provisions of this act shall not be construed to apply to any lands lying under water, nor to any grants or conveyances or leases made by the riparian commissioners.

PETITION FOR IMPROVEMENT, BY WHOM SIGNED.

3. *And be it enacted*, That there shall be a petition

for such improvement signed by twenty or more freeholders of such city, owning in the aggregate property in such city to the amount of not less than one hundred thousand dollars; that if upon the presentation of such petition, such municipal board shall order the improvement to be made, it shall be made forthwith; the said board shall cause an estimate of the amount of the work to be done and the materials to be furnished to be made and advertise for bids to do said work, and award the contract thereof to the lowest bidder, but may reject any or all bids or repeal on failure of the contractor to give such bond or security as they may deem proper to secure the city.

MAY BORROW SUCH SUM AS SHALL BE NECESSARY TO PAY FOR AWARDS FOR LANDS, &C.

4. *And be it enacted*, That the municipal board having control of the finances of such city shall borrow a temporary loan or by bond, to run twenty years, either registered or coupon, such sum as shall be necessary from time to time to pay for awards for land to be taken and the expenses of such improvement, and these bonds shall be in such sum and in such form as said board may determine; they shall bear legal interest and be sold at not less than par and shall be signed by the mayor and city clerk, with the seal of the city; the principal and interest of said bonds shall be paid by said board as they fall due, by the proceeds of collections of any assessment for such improvement, and any unpaid balance of principal or interest shall be raised by temporary loan, and this loan shall be paid by general tax.

COMMISSIONERS OF ASSESSMENT SHALL ASCERTAIN THE PROPER AWARDS TO BE MADE FOR LAND TAKEN.

5. *And be it enacted*, That when said board shall

order said improvement to be made it shall refer the matter to commissioners of assessment to be appointed by said board, who shall ascertain the proper awards to be made for land taken, and such commissioners shall give notice by advertisement at least one week in one newspaper published in such (or if none is published in said city, then by a newspaper published in the county where such city is situate) to be designated by said board for a hearing of all parties interested, and after such hearing they shall award to the owners of land taken such sums as shall be just for their land taken by said improvement; and they shall make a report and accompany it by a map showing each parcel of land taken by the improvement and the owner's names thereof as far as they can ascertain the same; the awards of the commissioners, if confirmed by said municipal board, shall be paid by the treasurer of said city out of the proceeds of the lands hereinbefore mentioned in this act.

PROCEEDINGS, WHEN IMPROVEMENT SHALL BE COMPLETED AND ACCEPTED.

6. *And be it enacted*, That when said improvement shall have been completed and accepted by said municipal board, it shall again be referred to commissioners of assessment appointed by said board, who shall assess all the property benefited (and no more,) the amount of special benefits such property shall received from such improvement, and shall assess upon the several lots or parcels of land the amount of benefit each shall have received by such improvement, and no more, and in no case shall the benefit be deemed to exceed more than one-half of the cost and expense of the improvement; all of the cost and expense of the improvement in excess of the amount assessed as aforesaid shall be paid by

the city at large by tax, and five per centum of said assessment shall be collected yearly.

IMPROVEMENT HOW MADE.

7. *And be enacted*, That such improvement shall be made by macadamizing, not exceeding twenty-four feet in width, the roadway of such avenue, and the cost of such macadamizing shall not exceed three dollars per square yard, the said municipal board shall appoint some discreet surveyor to carry out and superintend said improuement.

MAY USE ANY STREET, ROAD, &C.

8. *And be it enacted*, That in laying out and opening such an avenue as provided for in this act, said board may use any street, road, plank road or avenue or part thereof and widen the same if necessary; *provided*, however, that the provisons of this act shall not apply to any county or counties in this state having less than one hundred thousand inhabitants.

9. *And be it enacted*, That this act shall take effect immediately.

Approved April 5, 1878.

CHAPTER CCII.

An Act in relation to the lighting of streets and public places in certain townships and cities.

COMMON COUNCIL OR TOWNSHIP COMMITTEE AUTHORIZED TO CAUSE ANY STREET OR STREETS TO BE LIGHTED WITH GAS, OR OTHERWISE.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases where the streets or any of them, in any city or township of the said state, have been or are lighted with gas or oil, under or in pursuance of any authority conferred by the legislature upon such city or township it shall hereafter be lawful for the common council or township committee of any such city or township committee of any such city or township, by resolution or ordinance, and from time to time to order and cause any street or streets, and any public place or places or any part or parts thereof, in any such city or township, to be lighted with gas or otherwise, and for that purpose to erect and maintain or cause to be erected and maintained all necessary and proper posts, lanterns and fixtures, and to make and enter into any contract or contracts in relation to the same; and to cause the annual expense thereof, after being ascertained and determined by a resolution of said common council or township committee, to be certified by the city or township clerk unto the assessor or assessors of said city or township; and that such annual expense shall thereupon be levied, assessed and collected from all the real and personal property in said city or township respectively, in the same

manner, at the same time, and under the same penalties (but without any extra compensation therefor,) as the taxes for the working or repairing of roads or streets in said city or township are or may be; *provided, however,* that in making such assessment of the tax hereby authorized, the said assessor or assessors shall not be restricted or controlled in any way whatsoever, by any limitation in any act of the said legislature contained, whereby the amount of any tax to be raised in such city or township is limited to a certain percentage upon the valuation of the assessed property in such city or township.

3. *And be it enacted,* That this act shall take effect immediately.

Approved March 14, 1879.

CHAPTER LVIII.

An act to authorize and empower the common council, board of aldermen or other governing bodies in cities of the second class to set aside certain moneys into a fund to be called the "special street improvement fund," and to provide for the expenditure thereof.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the common council, board of aldermen or other governing body of any city of the second class of this state, by a vote of three-fourths of all its members, to set aside from the moneys received by said city from licenses issued either for the sale of spirituous, vinous or malt liquors, or for any other licenses, a sum not to exceed fifty thousand dollars, which said sum when so set aside shall be known and designated as "special street improvement fund" of such city or municipality.

2. *And be it enacted*, That thereafter it shall and may be lawful for the said city council, board of aldermen or other governing body to expend, use or employ the said fund or any part thereof in paving, macadamizing or improving the streets of said city in such a manner, upon such terms, and under such condition as the said council, board of aldermen or other governing body shall by a three-fourths vote provide; *provided*, however, that such fund shall be used exclusively in paving, macadamizing or improv-

ing streets which have never before been paved or macadamized.

3. *And be it enacted*, That all acts or parts of acts inconsistent with or repugnant to the provisions of this act be and the same are hereby repealed, and that this act shall take effect immediately.

Approved March 20, 1890.

CHAPTER CLVI.

An Act concerning cities.

COMMON COUNCIL OR ALDERMEN AUTHORIZED TO PASS, ALTER OR REPEAL ORDINANCES, TO COMPEL REMOVAL OF SNOW AND ICE.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the common council or board of aldermen of any city of this state shall have power to pass, alter and repeal ordinances to compel the removal of snow and ice from the sidewalks and gutters of all the public streets, avenues or public places in any such city, and prescribe penalties by fine not exceeding five dollars in each case, for any violation of any ordinance herein authorized.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 23, 1881.

CHAPTER LXXVIII.

An Act to provide for the removal of snow and ice from the sidewalks and gutters of the streets and highways in cities, towns, and boroughs of this state.

ORDINANCES MAY BE PASSED FOR THE REMOVAL OF SNOW AND ICE.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any legislative body of any city, town or borough of this state to pass ordinances providing for the removal of snow and ice from any sidewalk and gutter of any street and highway that is graded, curbed and flagged in any such city, town or borough.

WHAT ORDINANCES MAY PROVIDE.

2. *And be it enacted*, That it shall be lawful to provide in any such ordinance for the removal of the snow and ice from any sidewalk and gutter as aforesaid, by the street commissioner of any such city, at an expense not exceeding one cent per foot front, where the owner of the land in front of the same fails to remove the snow and ice within twenty-four hours after any such sidewalk or gutter was covered with snow and ice.

COSTS AND EXPENSES OF REMOVING ICE AND SNOW, HOW ASSESSED AND COLLECTED.

3. *And be it enacted*, That the costs and expenses

paid and incurred by said street commissioner for removing the snow and ice from any sidewalk and gutter as aforesaid may be certified by said street commissioner to the proper officer or officers or board of revision of taxes, whose duty it is to assess and levy the taxes of any such city, town or borough, and the same shall be added to the taxes of the lot or lots or parcels of land in front of the sidewalks and gutters from which the snow and ice was removed, and shall be a part of the same as a first and paramount lien upon said land and premises.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1882.

CHAPTER XLVII.

An Act in regard to the numbering of houses in cities.

COMMON COUNCIL EMPOWERED TO ADOPT SCHEME FOR NUMBERING HOUSES.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in cities of the first and second classes the common council shall have power to adopt a scheme for numbering and renumbering all buildings in their respective cities by streets, and through some appropriate committee or the street commissioner may designate the number to be given to each such building or parts of any building, and shall immediately notify the owner or person occupying such building or such part thereof of the number designated therefor, and in case of failure of said owner or occupant, for the space of thirty days next thereafter, to cause such number to be properly attached in front thereof, then it shall be lawful for such common council, by resolution, to direct such committee or the street commissioner to attach such number and to include the expense thereof, which shall not exceed the sum of fifty cents, in the then next annual assessment for taxes against said dwelling, and the same shall be payable and collected in the same manner as other taxes are collected.

2. *And be it enacted*, That this act shall be a public act and take effect immediately.

Passed March 12, 1884.

CHAPTER LXI.

An Act relating to cities of the second and third class.

LAWFUL FOR COMMON COUNCIL TO AUTHORIZE THE PLACING OF WIRES, &C., FOR ELECTRIC LIGHTING UNDERGROUND.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in cities of the second and third class in this state, it shall and may be lawful for the common council of any such city, by ordinance or otherwise, to authorize the placing in the streets and alleys of such city, wires and other appliances for electric lighting in such manner as not to endanger life or property, and to authorize the laying of conduits in such streets and alleys underneath the surface thereof for placing wires for electric lighting therein.

COMPANY TO OBTAIN CONSENT OF OWNER OF PROPERTY TO ERECT POLES.

2. *And be it enacted*, That any company taking advantage of the provisions of this act shall obtain the consent of the parties upon whose property it intends to erect any pole or poles.

WIRES TO BE LAID NOT LESS THAN THREE FEET FROM GAS OR WATER PIPES.

3. *And be it enacted*, That any wires for conveying electricity or the conduits containing said wires, shall be laid at the greatest practical distance from the outside of any water or gas pipe now laid down, and that such distance shall not be less than three feet.

4. *And be it enacted*, That this act shall take effect immediately.

Passed March 25, 1884.

CHAPTER CCXVII.

An Act to authorize cities to order and regulate the construction of sidewalks and to provide for the payment of the expense thereof.

CITIES EMPOWERED TO REGULATE CONSTRUCTION OF SIDEWALKS AND PROVIDE FOR PAYMENT OF COST THEREOF.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the incorporated cities of this state shall have power through their several appropriate legislative bodies to pass ordinances for the regulation, construction and repair of sidewalks, and thereby fix and determine the method in which sidewalks in such cities shall be constructed, repaired and maintained; the material out of which the same shall be constructed; and also to provide for the payment of the cost of such construction, repair and maintenance; *provided*, that no city shall be authorized to put down any patented sidewalk, but property owners may construct at their own expense sidewalks of any material that may be allowed by general ordinance of such city.

PROCEEDINGS FOR CONSTRUCTION OF SIDEWALKS BY ABUTTING LANE OWNER.

2. *And be it enacted*, That any such city may prescribe by general ordinance in what cases sidewalks shall be constructed, repaired or maintained at the expense of abutting land owners; whenever in any city it shall hereafter become the duty of any owner of abutting lands under the ordinance of the city to construct or alter or repair any sidewalk or section

thereof, the authorities of such city having charge of the street affairs of the city may cause a notice in writing to be served upon the owner or occupant of said lands requiring the necessary specified work to said sidewalk to be done by said owner or occupant within a period of not less than thirty days from the date of service of such notice; whenever any lands are unoccupied and the owner cannot be found within the city, the same may be mailed postage prepaid to his or her post office address, if the same can be ascertained; in case such owner is a non-resident of the city and his or her post office address cannot be ascertained, then the notice may be inserted for four weeks once a week in some newspaper of such city; in case the owner or occupant of such lands shall not comply with the requirements of such notice, it shall be lawful for the street department of the city, upon filing due proof of the service or publication of the aforesaid notice in the appropriate department of the city, to cause the required work to be done, and paid for out of the moneys of the city to the credit of the street department; the cost of such work shall be certified by the person having charge thereof to the person having charge of the collection of assessments in such city; upon filing the said certificate the amount of the cost of such work shall be and become a lien upon the said abutting lands in front of which such work was done to the same extent that assessments for local improvements are liens in such city under its charter or the general law, and shall be collected in the manner provided by law for the collection of such other assessments, and shall bear interest at the same rate; in addition thereto the city may have an action to recover the said amount against the owner of said lands, in any court having competent jurisdiction thereof; a certified copy of

the aforesaid certificate shall in such action be *prima facie* evidence of the existence of a debt due from the said owner to the city.

MONEYS RECOVERED TO BE CREDITED TO CERTAIN ACCOUNTS.

3. *And be it enacted*, That all moneys recovered or paid to the city under the provisions of the last preceding section shall be credited to the account out of which the cost of such work was paid.

4. *And be it enacted*, That this act shall take effect immediately, and all acts inconsistent with the provisions of this act are hereby repealed.

Approved May 10, 1884.

CHAPTER CCXXI.

An Act to authorize cities to make permanent improvements in the roadbeds of streets at the general expense.

CITIES EMPOWERED TO IMPROVE ROADBED OF STREETS AT THE GENERAL EXPENSE, &C.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the board of aldermen or common council now having legal power to make street improvements of any city, by ordinance, to order that the roadbed of any street or avenue shall be paved, repaved, macadamized, repaired with broken stone, or otherwise permanently improved, at the general expense of the city, and the expense of such work shall be in such case paid out of the moneys raised by tax for the improvement of streets; any such ordinance shall be passed in the same manner that other ordinances of such city requiring the expenditure of money are passed; but this act shall not be construed to prevent the doing of such work by proceedings for assessment as heretofore.

2. *And be it enacted*, That this act shall take effect immediately.

Approved May 13, 1884.

CHAPTER CXLI.

An Act in relation to the repairing of sidewalks in the cities of this state.

SIDEWALKS, HOW REPAIRED.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever it shall be determined by the common council of any city, by resolution, that it is necessary to repair, as hereinafter provided, any sidewalk, or any part or parts of the same, including the curb and gutter stones thereof, in any public streeet of said city, specifying in said resolution how and in what manner the said sidewalk or such part or parts thereof, and the said curb and gutter stones, shall be so repaired, it shall be the duty of the street commissioner, or other duly appointed agent of said city, to serve upon each landowner whose lands adjoin or front upon the said sidewalk, or said part or parts thereof, in case he or she shall reside in said city, a certified copy of such resolution, together with a notice that if said sidewalk adjoining said lands, including said curb and gutter stones, shall not be so repaired by said owner within fourteen days next thereafter, the said repairs shall be made by said city at the expense of said owner; and that if such owner shall be unknown or non-resident, the said copy of said resolution and the said notice shall be posted conspicuously upon the front part of his or her said lands for fourteen days as aforesaid, and shall also be advertised for fourteen days in a newspaper printed and circulating in said city; and that due proof shall be made of the manner of such service and publication, by oath or

affirmation, to be filed in the office of the city clerk; and that when such repairs shall be made by the said owner, they shall be made under the direction and control of the said street commissioner or other duly appointed agent of the said city, and shall be subject in all things to his approval; and that when such repairs shall be made by said city, at any time after the expiration of said fourteen days, the actual cost thereof to each owner shall be ascertained and determined by said common council, and shall be duly entered upon their minutes, and shall be certified by the city clerk to the collector of taxes (by whatever name he may be known) of the said city; and that the said cost of the same shall then become and thenceforward be a lien upon the said lands of the said owner until the same shall be paid and discharged, with legal interest thereon; and that the amount of the same shall be added to and included in the next annual tax bill for city, county and state taxes against said owner, and shall be collected and enforced therewith, and in the same manner; and that said repairs to said sidewalk, including said curb and gutter stones, shall embrace the leveling of the same, in accordance with the established grade, and the resetting, relaying, renewing and replacing, of all flag, curb and gutter stones, or any part or parts thereof, in such manner as shall conform to the said resolution, and to any ordinance or ordinances of said common council, and as shall be approved by said street commissioner, or said other duly appointed agent of said city.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 9, 1889.

CHAPTER XLIX.

An act relative to the cleaning of streets and the removal of ashes and garbage in cities of this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever the appropriation heretofore made or hereafter to be made in any city of this state for the cleaning of streets and removal of ashes and garbage therefrom shall prove insufficient for the proper and efficient execution of said work, it shall be lawful for the board having charge of the finances in such city, in their discretion, upon the request of the board having charge of the cleaning of the streets and removal of ashes and garbage therefrom, to increase said appropriation at any time or times during the fiscal year for which the same was made, in such additional amounts, not exceeding in the aggregate the original appropriation for such purposes, as said board may deem necessary for the proper and efficient execution of the work aforesaid.

2. *And be it enacted*, That the board having charge and control of the finances in any such city is hereby authorized to borrow, on temporary loan bonds, the amount of money which said board may by this act appropriate for the purposes aforesaid, in anticipation of taxes next thereafter to be levied, and to issue proper evidences of indebtedness therefor; and said board shall provide for the repayment of said bor-

rowed moneys in the tax levy to be made next thereafter.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 12, 1890.

Parks or Squares.

CHAPTER DLXIII.

A further supplement to an act entitled "An act to incorporate the city of Hoboken," approved March twenty-eighth, eighteen hundred and fifty-five.

COUNCIL EMPOWERED TO IMPROVE AND ORNAMENT PUBLIC PARKS AND SQUARES.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the mayor and council of the city of Hoboken are hereby authorized and empowered to improve and ornament both or either of the public parks or squares in said city, one of which is known as "Hudson Square," the other as "Public Square," and both situate between Fourth and Fifth streets, whenever the council of said city may consider it expedient so to do; and that the costs and expenses of such improvement or improvements be assessed upon the real estate in said city benefited thereby, in proportion to the benefit received, and that said assessments shall be made by the board of commissioners of assessments of said city, who shall proceed in all things in the same manner as in making assessments for the costs and expenses of constructing sewers in said city; and the said assessments shall remain a lien on the lands assessed until paid, and shall be collected in the same manner as assessments for constructing sewers in said city are collected.

MAY ISSUE IMPROVEMENT CERTIFICATES.

2. *And be it enacted*, That the said mayor and council shall have power to issue improvements certificates to pay for such improvements as the work progresses, which improvement certificates shall bear interest at the rate of seven per centum per annum, and be payable in two years from the date thereof.

COUNCIL MAY ISSUE SCRIP OR CERTIFICATES OF INDEBTEDNESS.

3. *And be it enacted*, That to meet the current expenses of filling sunken lots declared to be nuisances, under and by virtue of the nineteenth section of an act entitled "A further supplement to an act entitled 'An Act to incorporate the city of Hoboken,'" approved March twenty-eight, eighteen hundred and fifty-five, which supplement was approved April sixth, eighteen hundred and seventy-one, the mayor and council of said city are hereby authorized to issue scrip or certificates of indebtedness, which certificates shall show upon the face thereof for what purpose they are issued, and shall bear interest at the rate of seven per centum per annum, and shall be payable in two years from the date of their issue.

4. *And be it enacted*, That the nineteenth section of said supplement approved April sixth, eighteen hundred and seventy-one, be amended by inserting after the words "Street Commissioner" the following, that is to say, "under the direction of the committee on streets and assessments."

5. *And be it enacted*, That this act shall be deemed a public act, and shall take effect immediately.

Approved April 4, 1872.

CHAPTER CCXXII.

A further supplement to an act entitled "An act to incorporate the city of Hoboken," approved March twenty-eighth, one thousand eight hundred and fifty-five.

MAY PASS ORDINANCES FOR IMPROVING PUBLIC SQUARES.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the mayor and council of the city of Hoboken shall have power to pass, alter and repeal ordinances to take effect within said city of Hoboken, for the purpose of improving the square known as Public square, and bounded by Garden, Fourth, Willow and Fifth streets; also the square known as Hudson's square, and bounded by River, Fourth, Hudson and Fifth streets.

COST OF IMPROVEMENT TO BE RAISED BY TAX.

2. *And be it enacted*, That the said mayor and council cause to be raised by tax, a sum or sums of money not exceeding fifty thousands dollars in the whole, to improve and enclose the said squares in the city of Hoboken.

AUTHORIZED TO ISSUE COUPON BONDS.

3. *And be it enacted*, That it shall and may be lawful for the mayor and council of the city of Hoboken to raise the said sum of money last above mentioned, by issuing bonds under their corporate seal and the signature of said mayor for an amount of money not exceeding the said sum of fifty thou-

sand dollars, in such sums and payable at such time or times as the said mayor and council may deem proper, bearing interest at a rate not exceeding seven per centum per annum, payable semi-annually with coupons attached, and to pledge the property and credit of said city for the payment of the same; which bonds it shall be lawful for the mayor and council, and their successors, to sell and assign; *provided*, that no bond shall be sold by said mayor and council for less than ninety-seven dollars on each hundred dollars, *provided, also*, that the bonds to be issued by virtue of this act, shall be redeemable at a period not to exceed twenty years from the passage hereof.

PAYMENT OF BONDS AND INTEREST TO BE PROVIDED FOR BY TAXATION.

4. *And be it enacted*, That the said mayor and council shall have power and authority to provide by taxation for the payment of said bonds and the interest thereon, and that they shall yearly and every year, until the bonds so to be issued shall be redeemed and paid off, assess or cause to be assessed and collected, by tax at the time and in the manner that other taxes in said city are assessed and collected, a sum of money sufficient to pay and discharge the principal at the several times it shall become due and payable, and the interest on the said bonds as the same shall become due; *provided*, that not less than one thousand dollars, nor more than five thousand dollars of the principal of said bonds shall be made redeemable in any one year.

PROCEEDS OF BONDS, HOW APPLIED.

5. *And be it enacted*, That it shall be the duty of the mayor and council to apply the net proceeds of

said bonds to the purpose of improving and enclosing the said squares.

IMPROVEMENTS NOT TO BE MADE UNTIL A MAJORITY OF VOTERS ASSENT THERETO.

6. *And be it enacted*, That the power to raise by tax a sum or sums of money, not exceeding fifty thousand dollars in the whole, to improve and enclose the above mentioned squares in said city of Hoboken, or any one of them, shall not be exercised by said mayor and council unless a majority of the voters of said city of Hoboken, voting at the next charter election in said city, shall signify their assent thereto; and at said election the voters in favor thereof shall deposit a ballot having thereon the words, "For square improvements," and those opposed thereto shall deposit a ballot having thereon the words "Against square improvements" and said words shall be upon the general ticket voted for at said election, and said votes shall be canvassed, and a return thereof made to the city board of canvassers.

7. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act, are hereby repealed.

8. *And be it enacted*, That this act shall take effect immediately.

Approved March 13, 1873.

CHAPTER CCCCXXXIII.

A supplement to an act entitled "A further supplement to an act entitled 'An act to incorporate the city of Hoboken,'" approved March twenty-eighth, one thousand eight hundred and fifty-five, which said supplement was approved April fourth, one thousand eight hundred and seventy-two.

BOUNDARIES CHANGED.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the boundaries of the square known as Hudson square referred to in section one of the act to which this is a supplement, shall hereafter be the Hudson river, and Hudson, Fourth and Fifth streets; and the mayor and council of the city of Hoboken shall have the same power to improve said square between said boundaries, as they now have to improve said square between the boundaries mentioned in section one referred to above.

2. *And be it enacted*, That all acts or parts of acts inconsistent with the provisions of this act, be and the same are hereby repealed, and this act shall be deemed a public act and shall take effect immediately.

Approved March 27, 1874.

CHAPTER LXXXVII.

An Act to provide for the purchase, construction and maintenance of public parks by the cities and other municipalities in this state.

CITY MAY PURCHASE LANDS FOR A PUBLIC PARK.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any city or other municipality whatsoever in this state, in which there are no grounds now owned and used as a public park of said city or municipality, may, by a majority vote, purchase lands within said city or municipality, for that purpose, and may dedicate, lay out and do all other acts suitable to make said lands a public park, and to provide for their public use.

MAY ISSUE BONDS.

2. *And be it enacted*, That the mayor and common council, or other municipal authority of the cities or municipalities of this state, by like vote, shall have power to issue bonds of such city or municipality for the purchase, construction and maintenance of said public parks, and carrying this act into effect, to an amount not exceeding the proportion of five thousand dollars to each one thousand of inhabitants of such city or municipality; which bonds shall not have more than twenty-five years nor less than fifteen years to run, and shall bear interest at a rate not to exceed five per centum per annum, and shall pledge the faith, credit and property of said city or other municipality for the payment of the principal

and the interest thereon, and shall provide for the redemption of said bonds by taxation.

3. *And be it enacted*, That all acts and parts of acts inconsistent with this act, be and the same are hereby repealed.

4. *And be it enacted*, That this act shall be deemed a public act and take effect immediately.

Approved March 14, 1883.

CHAPTER LXXXVII.

An Act amending "An act to provide for the purchase, construction and maintenance of public parks by the cities and other municipalities in this state," approved March fourteenth, one thousand eight hundred and eighty-three.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the first section of the act to which this is amendatory, be and the same is hereby amended to read as follows:

GOVERNING BODY OF CITY MAY PURCHASE LANDS FOR PUBLIC PARK.

1. [BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any city or other municipality in this state wherein there are now no grounds owned by such city or other municipality and used as a public park, the common council, board of aldermen, board of trustees or other governing body may, by ordinance passed by a two-thirds vote of all the members of such body, purchase one or more tracts of land lying wholly or partly within or without the limits of such city or other municipality, for the use of the inhabitants of such corporation as a public park or parks; and may dedicate the same to such use, and may lay out, embellish and maintain the same, and may pass ordinances regulating and controlling the same, and providing for the proper and convenient use thereof by the inhabitants aforesaid.]

HOW LANDS PAID FOR.

2. *And be it enacted*, That such lands may be paid for as provided in the second section of said act.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 18, 1885.

CHAPTER XXI.

An Act to enable cities to purchase lands for public parks or squares, and improve the same, and to issue bonds for the cost of such purchase and improvement.

CITIES MAY PURCHASE PLOT OF LAND.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for any city in this state in which any unimproved meadow land shall lie, its mayor and council or board of aldermen, by ordinance duly approved by the mayor, to purchase a plot of land in such city not to exceed five hundred lineal feet in depth by three hundred lineal feet in width; *provided*, that the cost of such purchase shall not exceed twelve thousand dollars, and to lay out and maintain the said plot for use as a public square or park.

AUTHORIZED TO ISSUE BONDS.

2. *And be it enacted*, That for the purpose of raising the said sum of twelve thousand dollars the said the mayor and council or board of aldermen of said city shall have power to issue bonds under the corporate seal of said city and the signature of said mayor, in such sums and payable at such times as said mayor and council or board of aldermen may deem proper, bearing interest not to exceed the legal rate, payable semi-annually with coupons attached and pledging the credit and property of said city for

the payment of the same, which bonds may be sold or assigned by said mayor and council or board of aldermen; *provided*, that no bonds shall be sold for less than par value, and that said bonds shall be redeemable at a period not less than twenty years.

PAYMENT OF BONDS TO BE PROVIDED FOR BY TAXATION.

3. *And be it enacted*, That for the purpose of providing for the said bonds and interest the mayor and council or board of aldermen shall have power and authority to provide by taxation a sum of money to pay and discharge the principal and interest of said bonds whenever the same shall become due and payable; *provided*, that not less than two thousand dollars of the principal of said bonds shall be made redeemable in any one year.

4. *And be it enacted*, That all acts and parts of acts inconsistent herewith be and the same are hereby repealed, and that this act be deemed a public act and take effect immediately.

Approved February 14, 1888.

CHAPTER CCCI.

An Act to enable cities of the second class to acquire lands, for or without consideration, or by devise, beyond and within three miles of the corporate limits of said cities, for public parks, and to provide for the development and control of said lands for park purposes.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the boards of aldermen or common council of cities of the second class shall have power to acquire lands, for or without consideration therefor, or by devise, beyond and within three miles of the corporate limits of said city for public parks only and exclusively.

2. *And be it enacted*, That the said lands for public parks, when acquired, shall be under the control and management of a park commission, to be composed of five citizens of said city, who shall be appointed by the mayor, and confirmed by a majority of the board of aldermen or common council, who shall hold their positions for five years and until their successors shall qualify; at least two shall be of the minority party.

3. *And be it enacted*, That the boards of aldermen or common council in said cities are hereby empowered to provide, by ordinance, for the proper development and improvement of said public parks acquired as aforesaid, and to make the necessary appropriation therefor.

4. *And be it enacted*, That all lands acquired as aforesaid, for said parks, shall be free from all assessments or taxation whatever.

5. *And be it enacted*, That all acts and parts of acts inconsistent with this act are hereby repealed, and this act shall take effect immediately.

Approved June 20, 1890.

City Hall.

CHAPTER LXXXIII.

An Act to authorize the erection of city halls in cities of this state which are not the owners of buildings used as such halls.

MAYOR AND COMMON COUNCIL AUTHORIZED TO ERECT A CITY HALL.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any city in this state in which there is not any building, the property of such city, suitable for use as a city hall, the mayor and common council of such city are hereby authorized and empowered to erect a building suitable for use as a city hall, upon any lands owned by such city and heretofore donated and dedicated as a public square; *provided*, that in no case shall the cost of erecting and furnishing said building exceed sixty thousand dollars.

THE BUILDING TO BE ERECTED SO AS TO FURNISH ACCOMMODATION FOR PUBLIC OFFICERS OF CITY, &C.

2. *And be it enacted*, That such mayor and common council may cause said building to be so erected as to furnish accommodation for the public officers of said city, and such regiment or company of the national guard of this state as may be organized in said city; and said building may be so erected as to furnish all apartments necessary for the police regulation of said city.

AUTHORIZED TO ISSUE BONDS TO CERTAIN AMOUNT, &C.

3. *And be it enacted*, That to provide moneys necessary to carry this act into effect, such mayor and common council have power to issue bonds of such city to an amount not exceeding sixty thousand dollars, having not more than thirty years to run, and bearing interest at a rate, not to exceed six per centum per annum, and to pledge the faith, credit and property of said city for the payment of the principal and interest thereof, and to provide for the redemption of said bonds by taxation.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 3, 1880.

ACTS

RELATING TO

SEWERS, DRAINAGE

AND

RAVINE ROAD SEWERS.

Sewers.

CHAPTER CCXXXVI.

A further supplement to an act entitled "An act to incorporate the city of Hoboken," approved March twenty-eighth, eighteen hundred and fifty-five.

POWER TO CONSTRUCT SEWER.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the council of the said city are hereby empowered to build and construct a main sewer through the centre of Third street from the westerly line of Adams street to the Hudson river, subject to all the provisions contained in the said act and its supplements relative to the building of sewers in said city, except that the application of two-thirds of the property facing on the line of said sewer, therefore shall not be required to enable the said council to proceed with the construction thereof, and said council may by ordinance immediately direct the construction and building of said sewer without any petition of the property owners upon said street.

2. *And be it enacted*, That all acts and parts of acts inconsistent herewith be and the same are hereby repealed, and that this act shall be deemed and taken to be a public act and take effect immediately.

Approved March 21, 1866.

CHAPTER CCCCXII.

An Act to provide for the drainage of certain low lands lying in the city of Hoboken and the township of Weehawken.

WHEREAS, the council of the city of Hoboken for the purposes of this act have named as commissioners William W. Shippen, John M. Board and Newman A. Wood and the Town Committee of the township of Weehawken have named as commissioners Joshua J. Benson and Ebenezer Flynt; therefore,

NAMES OF COMMISSIONERS.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William W. Shippen, John M. Board and Newman A. Wood, of the city of Hoboken, and Joshua J. Benson and Ebenezer Flynt, of the township of Weehawken, be and they are hereby appointed commissioners to drain certain low lands lying in the city of Hoboken and the township of Weehawken; that the term office of each of said commissioners shall continue for five years from the date of the passage of this act, and the council of the city of Hoboken and the town committee of the township of Weehawken shall have power at any time for cause, to remove any commissioners from office, and whenever any commissioner hereby or hereafter to be appointed shall remove from said city or township, he shall cease to act as commissioner and his office shall be deemed to be vacant; any vacancy in the commission, no matter from what cause occurring shall be filled by the council of the city of Hoboken, if the vacancy occurs in the

commissioners from said city and by the town committee of the township of Weehawken, if the vacancy occur from said township.

CORPORATE NAME.

2. *And be it enacted*, That the said commissioners shall be and they are hereby empowered to use a common seal and shall be known by the name of "commissioners to drain certain low lands lying in the city of Hoboken and the township of Weehawken," and in that name may sue and be sued, implead and be impleaded in any court of competent jurisdiction, and said commissioners shall have power to reclaim and drain any of the low lands lying in the city of Hoboken and township of Weehawken, said improvement to be done as nearly as practicable, in accordance with two certain maps made by Robert C. Bacot of Jersey City and Levi W. Post of Hudson City, dated 1st February, 1866, one for sewerage and one for grades of the lands known as the lands of the estate of John G. Coster, deceased, in the city of Hoboken, which said maps are hereby established and confirmed together with the monuments shown thereon; *provided*, the same shall be filed by the owners thereof in the office of the clerk of the city of Hoboken, and said commission shall have power to construct, maintain, manage and use all dykes, dams, tide banks, ditches, drains, sluices, sluice gates, engines, pumps, and all other works, structures and machinery necessary, useful or convenient to reclaim and drain said low lands or any part thereof; they shall also have power to employ a competent surveyor and engineer and such other agents and officers as they may deem necessary, make or cause a map or maps to be made of said low lands or any part thereof, file the same in the office of the clerk of the city of Hoboken, cause descriptions and specifications of

the work or any part thereof to be prepared, advertise for proposals to perform said work or any part thereof and contract with any person for the performance of said work or any part thereof, issue improvement certificates in payment therefor, payable at such time or times as they may therein designate, take bonds with sufficient sureties from any officer, agent or contractor employed by said commission for the faithful performance of any duty or work entrusted to them, and generally to do every act and thing necessary to complete and maintain a proper drainage of said low lands or any part thereof; and three of said commissioners may exercise any of the powers or perform any of the duties hereinbefore, or which may be hereafter delegated to or enjoined under said commission.

COMMISSIONERS TO MAKE ASSESSMENTS.

3. *And be it enacted*, That said commissioners after making the contract provided for in the preceding section, and after draining of said lands or any part thereof shall have been completed according to said contract, shall assess upon the said lands so drained and upon all the lands in said city and township benefited thereby and upon any corporation benefited thereby, a just proportion of the expenses of said commission, and shall cause the same to be collected by such officer and in such manner as they shall determine; and said commissioners may, if they deem it advisable, file in the clerk's office of the city of Hoboken an assessment map showing all the lands assessed for said improvement, the owners thereof if the same, as near as can be ascertained, and the amount of assessment on each plot of land as shown on said map.

ASSESSMENTS TO BE A LIEN ON LANDS.

4. *And be it enacted*, That the said commissioners within one month after the draining of said lands or any part thereof shall have been completed according to said contract, shall file a list of their unpaid assessments on said lands in the office of the clerk of the city of Hoboken, and said assessments shall thereupon become a lien on said lands until paid, notwithstanding any devise, descent, alienation, mortgage or other encumbrance thereof; and said lien shall have precedence of all other liens on said lands, tenements or real estate, and on foreclosure of any mortgage on said lands or sale of said lands under any judgment, the said unpaid assessment thereon shall be first paid out of the proceeds of sale; in default of payment for the space of two months thereafter, said lands, after four weeks' advertisement in a public newspaper in the city of Hoboken, shall be sold at public sale for the shortest term of years, by said commissioners, to any person or persons who will pay the amount of said assessment or the balance thereof remaining unpaid, and interest thereon at the rate of twelve per centum per annum from the date of filing said list of unpaid assessment in the said city clerk's office; and the expenses of said sale; *provided*, any of said lands so sold may be redeemed from such sale by the owner or owners thereof within two years after the sale, by paying to the clerk of the city of Hoboken for the benefit of the purchaser thereof, the sum paid by the said purchaser at said sale, with interest thereon at the rate of fifteen per centum per annum, and said commissioners, under the hand of their president and the seal of said commission, immediately after said payment shall file with the clerk of said city of Hoboken, a certificate stating that the said assess-

ment has been paid, and directing it to be cancelled by said clerk, and thereupon on receiving said certificate said clerk shall file the same in his office and mark said assessment paid and cancelled; if any of said lands are not so redeemed as aforesaid within two years from the date of the sale thereof, then the said commissioners under the hand of their president, attested by the seal of said commission, shall execute leases to the purchasers, their heirs and assigns, at their request, of said unredeemed lands for the number of years for which the same shall have been sold as aforesaid, and said lease shall be acknowledged or proved so as to entitle it to be recorded; and the said purchasers shall by virtue thereof lawfully hold, use, enjoy and possess such lands so sold during the full term for which said sale shall have been made; the sale of lands, tenements and hereditaments hereinbefore referred to or any portion thereof may be adjourned, postponed or continued, from time to time, or suspended, as the said commissioners may direct.

COMMISSIONERS MAY SURVEY AND EXPLORE.

5. *And be it enacted*, That it shall be lawful for the said commissioners, their agents, engineers, superintendents, or others in their employ, to enter upon all lands or waters for the purpose of exploring, surveying, leveling and laying out the route or routes of such dykes, dams, tide banks, ditches and drains as shall be found necessary, and of locating the same, and to do and erect all necessary works, structures, buildings and appendages thereof, doing no unnecessary injury to private or other property; and when the route or routes of such dykes, dams, tide banks, ditches, drains and the location of sluices, and other necessary works and structures shall have been determined upon, and a survey of such route or routes,

location or locations deposited in the office of the clerk of the city of Hoboken, then it shall be lawful for the said commissioners, by any of its officers, agents, engineers, superintendents, contractors, workmen and other persons in their employ, to enter upon, take possession of, hold, have and use, occupy and excavate any such lands, and to erect embankments and all other necessary works and structures, and to do all other things which may be suitable or necessary for the drainage of said lands, subject to such compensation as is hereinafter provided; *provided always*, that the payment or the tender of the payment of all damages for the occupancy of the lands through or upon which said dykes, dams, tide banks, ditches, drains, sluices and other works or structures may be laid out or located, be made before the said commissioners, or any person under their direction or in their employ, shall enter upon or break ground in the premises, except for the purpose of surveying and laying out said dykes, dams, tide banks, sluices, ditches, drains, and other works or structures unless the consent of the owner or owners of such land be first had and obtained.

PROCEEDINGS WHEN COMMISSIONER AND OWNERS CANNOT AGREE.

6. *And be it enacted*, That if the said commissioners or its officers, or its agents, cannot agree with the owner or owners of such required land for the use and purchase thereof, or if by reason of the legal incapacity or absence of such owner or owners no such agreement can be made, a particular description of the land so required for the use of said company in the construction of said dykes, dams, tide banks, sluices, ditches, drains and other works and structures, shall be given in writing, under the oaths

or affirmation of some engineer or proper agent of said company, and also the name or names of the occupant or occupants, if known, and their residence, if the same can be ascertained, to any justice of the supreme court, shall cause the said commissioners to give notice thereof to the persons interested, if known and in this state, or if unknown and out of this state, to make publication thereof as he shall direct, for any term not less than one week and not more than one month, and to assign a particular time and place for the appointment of the commissioners mentioned, at which time, upon satisfactory evidence to him of the service, or publication of service, or publication of such notice aforesaid, he shall appoint three disinterested commissioners to assess the price or value of said land, who shall be sworn or affirmed before the said justice faithfully to execute the duties of such appointment, and after like notice to both parties of the time and place, shall meet, view the premises and hear the parties and evidence, if desired, and thereupon make such decision and award as to them shall appear just and proper, and transmit such decision and award, together with a description of the said land[3] and the quantity taken, by whom owned and how situate and bounded, in writing, under their hands and seals, or under the hands and seals of any two of them, to the justice who appointed them, to be by him returned and filed in the office of the clerk of the county wherein said lands lie, together with all the papers before him relating thereto, there to be kept as a public record, and copies taken if required by either party; and if either party shall feel aggrieved by the decision and award of the said commissioners, the party so aggrieved may appeal to the circuit court at the next term after such decision and award by proceeding in the form of petition to the said court, with five days'

notice in writing to the opposite party of such appeal, which proceeding shall vest in the said circuit court full right and power to hear and adjudge the same, and if required they shall award a venire, in proper form, for a jury before them, who shall hear and finally determine the same; and it shall be the duty of the said jury to assess the value of the said lands and all damages sustained, and if the said jury be demanded by the said commissioners, and they shall find a greater sum than the said commissioners, then judgment shall be given against said commissioners; but if the jury shall be demanded by the owner or owners, and shall find the same or a less sum than the commissioners awarded, then the costs shall be paid by the owner or owners and shall be deducted out of the said sum awarded by the said commissioners, or execution issue therefor, as may be directed by the said court; and upon payment or tender of the sum so found by the said commissioners, or by the jury, with costs, if any, the said commissioners shall be deemed to be seized and possessed in fee simple of such lands and real estate appraised as aforesaid; but such application shall not prevent the said commissioners from taking the said land upon the filing of the aforesaid report, the value or damages being first paid, or upon a refusal to receive same upon a tender thereof, or (the owner or owners thereof being unknown or out of the state or under legal disability) the same being first paid into the court of chancery.

MAY BORROW MONEY.

7. *And be it enacted*, That said commissioners shall have power to borrow money and issue bonds in payment therefor, bearing interest at the rate of seven per centum per annum, and said bonds shall

be paid out of any moneys collected by the said commissioners under this act; the said bonds shall be signed by the president and sealed with the seal of said commission, and shall be payable at such time or times as said commission may deem proper.

COMMISSIONERS TO MAKE OATH.

8. *And be it enacted*, That no commissioner shal enter on the duties of his appointment until after he shall have taken and subscribed an oath faithfully and impartially to perform the duties required of him by this act; and the clerk of the city of Hoboken is hereby required to record said oath, and also record or file, as requested, all maps, certificates and papers relating to the improvement specified in this act prescribed to him for that purpose by either of said commissioners, and he shall endorse a certificate of such recording or filing on such maps, certificates and papers.

DUTIES OF TREASURER.

9. *And be it enacted*, That the said commissioners shall designate one of their number as president, and one as treasurer of said commission, and all moneys collected by said commission, or any of its officers or agents, shall be paid to said treasurer, who shall, before entering upon the duties of his office as treasurer, give bonds in the penal sum of ten thousand dollars for the faithful performance of his duties, and he shall not pay out any money unless upon the written order of two of said commissioners, of whom the president shall be one.

10. *And be it enacted*, That this act shall be deemed to be a public act and take effect immediately.

Approved April 4, 1866.

CHAPTER CCCC.

A supplement to an act to provide for the drainage of certain lowlands lying in the city of Hoboken, and the township of Weehawken, approved April fourth, eighteen hundred and sixty-six.

SECTION ONE OF ORIGINAL ACT AMENDED.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of the act to which this is a supplement, be and the same is hereby amended by increasing the number of commissioners named therein to nine, four of whom shall be residents of the lowlands included in said original act, and lying in the city of Hoboken, and that the following persons be and they are hereby appointed said additional commissioners, namely, John M. Leicht, Jacob Duryea, Warren Conklin and Joseph Thomas; and said commissioners shall hold their office for the time specified in said section, and be subject to all the provisions of the act to which this is a supplement, and any vacancy in their number shall be supplied in the manner prescribed therein.

WORK TO BE DONE BY CONTRACT.

2. *And be it enacted*, That all work done by said commissioners shall be by contract, and the contracts shall in all cases be awarded to the lowest bidder, on his giving proper security for the performance thereof.

3. *And be it enacted*, That all acts and parts of

acts inconsistent herewith, be and the same are hereby repealed, and this act shall be deemed a public act, and take effect immediately.

Approved April 9, 1867.

CHAPTER DXLIV.

A further supplement to an act entitled "An act to provide for the drainage of certain lowlands lying in the city of Hoboken and the township of Weehawken."

WHEREAS, in carrying out the intention of said act, the board of commissioners are forced to keep an outlet for the water across the lands of the Morris and Essex Railroad Company, and the building of the proper drain boxes can only be done from time to time as the said lands may be filled in by said railroad company, and no contract can be made with any other parties for building the same; and an arrangement having been agreed upon between the said commissioners and the Morris and Essex Railroad Company, securing the right of discharge for said water and the building of said drain boxes and maintenance of sluices upon fair and equitable terms; therefore,

AGREEMENT MADE VALID.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the agreement entered into between the said board of commissioners and the Morris and Essex Railroad Company is hereby validated, and made as effectual to all intents and purposes as if the same had been made under the provisions of the act to which this is a supplement.

2. *And be it enacted*, That all acts and parts of acts inconsistent herewith be, and the same are hereby repealed, and this act shall be deemed a public act, and take effect immediately.

Approved April 21, 1868.

CHAPTER DLXIII.

A supplement to an act entitled "An act to provide for the drainage of certain low lands lying in the city of Hoboken, and the township of Weehawken," approved April fourth, eighteen hundred and sixty-six.

RESTRAINING COMMISSIONERS.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the commissioners appointed under and by virtue of the act to which this is a supplement, and the several supplements thereto, shall not have power to make any further improvements or contracts for improvements on the said low lands lying in the city of Hoboken and the township of Weehawken.

COMMISSIONERS TO CLOSE UP BUSINESS.

2. *And be it enacted*, That said commissioners shall proceed to settle up the business and affairs of said commissioners and shall complete such settlement on or before the first day of January, eighteen hundred and seventy.

MAKE A REPORT TO COUNCIL.

3. *And be it enacted*, That it shall be the duty of said commissioners to make a report in writing to the council of the city of Hoboken showing what work has been done by said commissioners, the cost thereof, also of all moneys received by said commissioners, and how the same has been expended, also showing the indebtedness of said commissioners and to whom they are indebted, which report shall be

filed with the city clerk of the city of Hoboken in his office on or before the first day of May next after the passage of this act.

4. *And be it enacted*, That said commissioners shall not have power to do any act or act or thing except to settle up the affairs of said commissioners pursuant to the act to which this is a supplement.

5. *And be it enacted*, That this act shall take effect immediately.

Approved April 2, 1869.

SECTION 14. *And be it enacted*, That the council of the city of Hoboken shall proceed to settle up the business and affairs of the commissioners appointed under "An Act to provide for the drainage of certain low lands lying in the city of Hoboken and the township of Weehawken," approved April fourteenth, eighteen hundred and sixty-six, and the various supplements thereto, and for that purpose shall be vested with all the rights and powers of the commissioners appointed under said act and its various supplements; and they shall receive and collect all unpaid assessments on property assessed by said commissioners; and the mayor and council of Hoboken may sue any of said commissioners and recover from them any sums of money illegally taken by them for fees or compensation for their services as commissioners; and the said council from the money received from the payments of assessments and otherwise shall pay all the outstanding unpaid improvement certificates issued by said commissioners for work done by contractors, and also interest thereon from the date of said certificate at the rate of seven per centum per annum, and to pay such other legal indebtedness as may have been incurred by said commissioners; and said council shall have power to cancel all liens and assessments upon property imposed by said commissioners upon payment to said council or the city clerk of the said assessments on the said property.

SECTION 15. *And be it enacted*, That the mayor and council of the city of Hoboken shall have power to raise by tax upon all the real and personal property in the city of Hoboken a sum of money not to exceed twenty thousand dollars to pay the claim of Charles Devlin against the city of Hoboken, for construction of main sewer in Third street in said city, and said sum shall be inserted in the

general tax ordinance of said city for the year eighteen hundred and seventy.

SECTION 16. *And be it enacted*, That all acts and parts of acts inconsistent with this act, be and the same are hereby repealed, and that this act shall be deemed a public act, and shall take effect immediately.

Approved March 17th, 1870.

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* Previous sections of this act relate to the Police Department, and will be found under that title.

CHAPTER DCCII.

An Act to provide for the construction of a main sewer in the city of Hoboken, and township of Weehawken.

NAMES OF COMMISSIONERS.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Charles Chamberlain and John Reid, of Hoboken, and John Frost, of the township of Weehawken, be and they are hereby appointed commissioners to construct a main sewer in the city of Hoboken and township of Weehawken, commencing at a point in the centre line of Jefferson street, at or near Second street, in the city of Hoboken; thence through the centre of said Jefferson street to the centre of Fifteenth or Sixteenth streets, in said city of Hoboken; and thence through the centre of said Fifteenth or Sixteenth streets to the Hudson river; together with such lateral sewers as they may deem necessary for the proper drainage of all that part of the city of Hoboken as shown upon a map of the commissioners appointed in a certain act entitled "An act to provide for the drainage of certain low lands lying in the city of Hoboken, and township of Weehawken," approved April fourth, one thousand eight hundred and sixty-six, and the various supplements thereto, and now on file in the city clerk's office of the said city of Hoboken; *provided, nevertheless*, that said commissioners shall not have power to raise the money by bonds for the construction of said sewers, but the power to raise money by bonds for the construction of said sewers shall be vested in the mayor and council of

the city of Hoboken; and said bonds so issued shall not exceed the total amount of one hundred and fifty thousand dollars, and shall be payable at a term not less than ten nor more than twenty years from date, and shall not be sold at a less sum than ninety-seven cents on the dollar.

POWERS OF THE COMMISSIONERS.

2. *And be it enacted*, That only such of the provisions of the act entitled "An act to provide for the drainage of certain low lands lying in the city of Hoboken and the township of Weehaken," approved April fourth, one thousand eight hundred and sixty-six, and the various supplements thereto, as shall be necessary for the purpose of building the said sewers and completing the drainage of the said lands as shown on said map, shall be conferred upon the said commissioners; and that all the powers now given to the mayor and council of the said city to build sewers within the said limits, as shown upon said map, is hereby repealed.

COMPENSATION TO BE ALLOWED COMMISSIONERS.

3. *And be it enacted*, That said commissioners shall be entitled to receive a compensation for their services, one-half of one per centum of the total cost of said sewer, to be paid by the treasurer of said city upon a warrant signed by the mayor and countersigned by the city clerk, and issued by order of the council upon the certification of the engineer that the said work is fully completed.

COST OF SEWER TO BE PAID BY TAXATION.

4. *And be it enacted*, That upon the completion of the work, that an assessment for the total cost there-

of shall be made by the said board of commissioners, and together with a proper map shall be placed on file in the city clerk's office, and upon the confirmation of said assessment by the mayor and council of said city, the collector of revenue shall proceed to collect the same in the same manner as other assessments are collected in said city; except that the mayor and council of said city shall, upon the written application of the persons owning a majority of the number of lots included in said assessment provide by ordinance that the amount of said assessment shall be divided into five equal annual payments, which shall bear interest from sixty days after the confirmation of said assessment at the rate of seven per centum for the first year, eight per centum for the second year, nine per centum for the third year, and ten per centum per annum for the two succeeding years; but the owner or owners of any lot or lots may pay the whole or any part of said assessment on their property at any time previous to the expiration of the said term, and upon such payment to the collector of revenue such lot or lots shall be immediately relieved from all lien or encumbrance from said assessment.

REDEMPTION OF BONDS.

5. *And be it enacted*, That the moneys received from said assessment shall be appropriated for the payment of the bonds authorized to be issued by this act, and said bonds may be redeemed by the mayor and council at any time previous to the expiration of the time for which they were issued, from the moneys standing to the credit of said fund; *provided*, the same can be purchased at par or under.

POWERS OF THE COUNCIL.

6. *And be it enacted*, That the council shall not exercise any other powers under the several acts providing for the drainage of certain low lands in the city of Hoboken and the township of Weehawken, except to confirm and collect the several amounts due under said acts and to pay all indebtedness of said city incurred thereby,

7. *And be it enacted*, That all acts and parts of acts inconsistent herewith be and the same are hereby repealed, and this act shall be deemed a public act and take effect immediately.

Approved April 4, 1873.

CHAPTER CCCCLXXX.

A supplement to an act entitled "An act to provide for the construction of a main sewer in the city of Hoboken and township of Weehawken, approved April fourth, one thousand eight hundred and seventy-three, extending said act so as to embrace two drainage districts, and providing for the construction of main and lateral sewers.

MAIN SEWER AUTHORIZED TO BE CONSTRUCTED BY ORIGINAL ACT DISPENSED WITH.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the main sewer provided for in the first section of the act to which this is a supplement, to be constructed in Jefferson street north from Second street, be and the same is hereby dispensed with; and all that part of the city of Hoboken embraced in the following limits shall constitute a drainage district, to be known as the first drainage district of Hoboken, to wit: beginning at a point in the westerly boundary line of said city, where the same crosses Eighth street; thence running east through Eighth street to the centre of the block, between Clinton and Willow streets; thence south through the centre of said block and the blocks south of the same until it reaches Second street; thence easterly through Second street to the centre of the block between Garden and Meadow streets; thence southerly to the southerly boundary of the city; thence westerly and northerly along said boundary to the point or place of beginning; and all that part of the city of Hoboken and the township of Weehawken, embraced in the following limits, shall

constitute the second drainage district of Hoboken, to wit: beginning at a point in the west boundary line of the city where it crosses Eighth street; thence running east down Eighth street to the centre of block between Clinton and Willow streets; thence running north through the centre of said block and blocks north, until it strikes Thirteenth street; thence follows the line known as the Coster line, until it reaches the point or place of beginning; and the territory embraced in Weehawken shall be known as the meadows or low lands adjacent to the city of Hoboken on the north, and it shall be lawful for the commissioners named in the act to which this is a supplement, to construct in said districts such necessary main and lateral sewers as will effectually drain the same, and in the construction of the main lateral sewers in the first drainage district, said commissioners shall construct a main sewer on First street, commencing at the west boundary line of the city, the same to run east through First street to Meadow street; thence south to Ferry street, or such other point as said commissioners may deem necessary in order to secure an efficient and effectual outlet for the drainage water passing through said sewer; and the lateral sewers shall run north and south as near as practicable, and empty into said main sewer, and it shall be lawful for said commissioners to adopt a plan of main and lateral sewers in the second drainage district, when said main and lateral sewers shall be required; but it shall be the duty of said commissioners to make provision temporarily, for the drainage of the surface water of said second drainage district, until permanent sewers are constructed.

COMMISSIONERS TO USE MAPS HERETOFORE MADE AND ON FILE.

2. *And be it enacted*, That it shall be lawful for said commissioners to use the maps heretofore made under an act entitled "An act to provide for the drainage of certain low lands in the city of Hoboken, and township of Weehawken," approved April fourth, one thousand eight hundred and sixty-six; and the various supplements thereto, and now on file in the city clerk's office of Hoboken, so far as the same are applicable to the construction of the main and lateral sewers contemplated by this act; and to make such other maps as may be necessary to effectually carry out the provisions of this act.

AND WHEREAS, said low lands and meadows are so low and so constantly overflowed by high tides that no effectual drainage of said lands can be effected unless the sewers are placed below ordinary low tides and to raise the sewage water by the means of steam engines and pumps; therefore,

COMMISSIONERS TO PROVIDE NECESSARY STEAM ENGINES, HOUSES, &C.

3. *And be it enacted*, That it shall be the duty of said commissioners to provide the necessary steam engines, engine houses and pumps to raise the sewage waters so that said district will be effectually drained, and to employ the necessary officers, engineers and superintendents to manage and work the same, and to raise by tax upon the respective drainage districts a sum of money sufficient to run said pumps and steam engines and to effectually drain said districts; and for that purpose they shall have the right to acquire by lease or purchase and hold the same for the benefit of the districts drained upon

which to erect said engines, houses and pumps, not to exceed in any one place a lot of land fifty feet wide by one hundred feet on each side.

COMMISSIONERS TO LEVY SURFACE TAX, TO DEFRAY EXPENSES FOR RUNNING AND MAINTAINING THE SAME.

4. *And be it enacted*, That for the purpose of raising the money necessary to defray the expense of runnning and maintaining said engines and pumps, the commissioners named in the act to which this is a supplement shall levy a surface tax in each or either of said districts where the same shall be required, which surface tax shall be uniform on every lot of twenty-five by one hundred feet, or for a larger or smaller lot according to the surface thereof, which sum shall be sufficient to maintain and run said pumps and engines for the year, and to certify the same to the tax commissioners of Hoboken, and said commissioners shall order the same to be assessed in the tax levy for the year for which said certificate is made; and it shall be the duty of the assessor of the city of Hoboken to levy said tax, and the collector of Hoboken to collect said tax and pay the same over to the city treasurer; and it shall be lawful for the commissiouers to issue a monthly requisition on the mayor and council to pay the monthly expenses of running said engines and pumps; and said mayor and council shall honor said requisition and order warrants to be drawn on the treasurer of the city of Hoboken for the amounts of said requisitions, and the treasurer shall pay the same to said commissioners; *provided*, said requisitions and warrants shall not exceed in any one year the amount of tax levied for that year for that purpose.

MAYOR AND COUNCIL TO ISSUE IMPROVEMENT CERTIFICATES ON REQUISITION OF COMMISSIONERS.

5. *And be it enacted*, That it shall be lawful for said commissioners, for the purpose of purchasing engines, pumps, building, and all other drainage implements, and for the purpose of constructing the main sewers, provided for in this act, as the payments fall due, to issue their requisition on the mayor and council of Hoboken, for the issue of improvement certificates to the persons named in said requisitions; and said mayor and council shall issue the improvement certificates, which shall run one year, and bear interest at the rate of seven per centum per annum, from the date of their issue, and said mayor and council shall pay said improvement certificates at maturity, and for the purpose of paying said improvement certificates the mayor and council of Hoboken shall issue one hundred and ten thousand dollars of ten years bonds, or so many as may be necessary to defray the expense; which bonds shall bear interest at the rate of seven per centum per annum, payable semi-annually; and said bonds may be registered or coupon bonds, and shall be known as sewer bonds, and may be sold at a discount not to exceed five per centum, and with the proceeds of the sales of said bonds, said mayor and council shall redeem said improvement certificates for the purpose of paying the interest on the improvement certificates and the interest: and on the bonds issued issued it shall be lawful for the mayor and council to levy a special tax on the sewerage districts created by this act, in proportion to the amount of money expended in each district, respectively.

COMMISSIONERS AFTER COMPLETION OF SEWER TO CERTIFY COST TO COMMISSIONERS OF ASSESSMENTS.

6. *And be it enacted*, That it shall be the duty of the commissioners, after they shall have completed any main sewer and the pumping works connected therewith, to ascertain the whole cost, and certify the same, with a list of the property drained, to the commissioners of assessments for street improvements in Hoboken; and said commissioners shall proceed to make said assessment upon the district drained by said main sewer, and report the same to the commissioners, who shall give two weeks notice of the filing of said assessment map with them, and in said notice fixing a time and place where they would meet to hear objections from persons interested in the same, and to proceed to correct and approve of said assessments, and when approved, to make three copies, one to be filed with the commissioners in their office, one with the city clerk of Hoboken, and one with the collector of revenue of Hoboken; and it shall be the duty of the mayor and council of Hoboken, in one year before said bonds fall due, to order said assessment to be due and payable, and to collect the same; and said assessments shall all bear interest at the rate of fifteen per centum per annum, from the date of the resolution ordering that the same is due and payable; said interest to be collected with the principal, and said principal and interest as the same is collected, to be applied by the mayor and council to redeem said bonds; and after the passage of the resolution declaring that assessment is due and payable, no further sum shall be assessed in the tax ordinance in the district for interest on the bonds, the assessment to be a lien upon the property from the date of the confirmation of the same by the commissioners and said lien may be discharged by paying the amount so assessed, and the collector of revenue shall

pay the same over to the treasurer of Hoboken; and it shall be the duty of the mayor and council of Hoboken to provide a sinking fund, in which said money shall be placed and safely kept by the redemption of said bonds.

COMMISSIONERS MAY CONSTRUCT LATERAL SEWERS ON PETITION.

7. *And be it enacted*, That for the purpose of constructing the lateral sewers provided for in this act, it shall be lawful for the commissioners when the owners of a majority of the lots on the line of any lateral sewer, petition for the construction of the same, to proceed and construct said lateral sewer and ascertain the cost of the same and to send the cost thereof, with a list of the property benefited thereby, to the commissioners of assessments for street improvements in Hoboken, and said commissioners shall proceed and assess the cost of said lateral sewer on the property drained thereby, and return the assessment map to the commissioners when completed, and said commissioners shall give two weeks' notice of the filing of the same, and in said notice shall be embraced a time and place when any person interested therein may appear before said commissioners and be heard, and after such hearing said commissioners may correct and confirm the same, and file one copy of the assessment map in the office of the commissioners, one copy in the city clerk's office and one copy with the collector of revenue, who shall proceed to collect the same and pay the amount over to the city treasurer, and any assessment remaining unpaid for thirty days after the date of confirmation, shall bear interest at the rate of twelve per centum per annum, and any lands upon which any assessment may be made under this act which shall remain unpaid for thirty days after the same becomes

due and payable, may be sold by the mayor and council of Hoboken, and all the provisions of an act entitled "An act to incorporate the city of Hoboken" making provision for the sale and redemption of lands sold for unpaid taxes or assessments shall apply to the lands upon which assessments are made and remain unpaid under this act, and said commissioners for the purpose of paying for the work as it progresses may draw their requisitions on the mayor and council of Hoboken for the issue of improvement certificates to the persons named therein and for the amounts named for the construction of said lateral sewer; *provided*, that said requisitions shall not exceed in the whole the amount of the contract price for the construction of said lateral sewer together with such incidental expenses as may be necessary in carrying out the work, said improvement certificates to have one year to run and bear interest at the rate of seven per centum per annum, and said mayor and council shall redeem the same at maturity and apply money collected on said assessment for that purpose.

PROPOSALS AND BIDS TO BE ADVERTISED FOR.

8. *And be it enacted*, That no work shall be done, materials purchased, or any contract entered into, where the amount exceeds five hundred dollars, authorized to be done or entered into under the terms of this act, except upon two weeks notice for proposals, and advertising for bids; and all contracts shall be awarded to the lowest responsible bidder who is able to give security for the faithful performance of the contract; but the commissioners shall have power to reject all bids, and readvertise if they deem it for the best interests of the property owners so to do.

WHAT NEWSPAPERS NOTICES TO BE ADVERTISED IN.

9. *And be it enacted*, That all notices, required to be given under this act, shall be given and published in the newspaper or newspapers publishing the official proceedings of the mayor and council of Hoboken, and in such other manner as the commissioners may determine.

COMMISSIONERS TO ASCERTAIN EXPENSES AND CERTIFY THE SAME TO THE MAYOR AND COMMON COUNCIL.

10. *And be it enacted*, That it shall be the duty of the commissioners to ascertain all their expenses incurred under the act to which this is a supplement, and certify the amount there of to the mayor and council of Hoboken.

COMMISSIONERS EMPOWERED TO CONSTRUCT SEWER IN WILLOW STREET.

11. *And be it enacted*, That the sewer commissioners shall have power to construct a sewer in Willow street from the intersection of said street with Newark street, thence running north through Willow street, and connect the same with the sewer now built in Willow street above Second street, and shall cause the cost and expense of building said sewer to be assessed and collected in the manner provided for in section seven of this act or the property benefitted thereby.

MAJORITY OF COMMISSIONERS SHALL CONSTITUTE A QUORUM.

12. *And be it enacted*, That a majority of said commissioners shall constitute a quorum for the transaction of business, and shall have power to appoint

a president, secretary and treasurer, and shall be known as the sewer commissioners of the city of Hoboken and township of Weehawken, and shall have power to fix the bond of their treasurer, and said treasurer shall execute said bond before entering upon the duties of his office, and the commissioners shall approve said bond; said bond shall be filed in the city clerk's office of Hoboken.

COTRACTS FOR CONSTRUCTION OF SEWERS, &C., MUST BE SUBMITTED TO COUNCIL BEFORE BEING AWARDED OF ENTERED INTO.

13. *And be it enacted*, That before any contract for the construction of any main sewer, or lateral, or for the works pertaining thereto, or for the purchase or lease of any real estate in connection therewith, is awarded or entered into, the said commissioners shall submit the same to the council of the city of Hoboken for their concurrence therein, and the said commissioners shall have power to adopt any awards of contracts made by them under and by virtue of the act to which this is a supplement.

NUMBER OF COMMISSIONERS INCREASED FROM THREE TO FIVE.

14. *And be it enacted*, That the number of commissioners be increased from three to five, and for this purpose there shall be nominated by the mayor of the city of Hoboken and confirmed by the council of said city as soon after the passage of this act as may be convenient, two commissioners in addition to those named in the act to which this is a supplement, which said commissioners shall perform like duties and possess the same rights and privileges as the commissioners named in the act to which this is a supplement, and the said five commission-

ers so constituted shall, immediately after the passage of this act, proceed to determine by ballot which one of their number shall serve for one year, which one for two years, and which one for three years, which one for four years, and which one for five years from the first day of April next, and thereafter before the first day of April in each year and every year succeeding there shall be nominated by the mayor and confirmed by the council of Hoboken, one commissioner, who shall hold his office for five years thereafter, and any vacancy occurring in said board of commissioners by resignation, death or removal from the city, may be filled by the mayor nominating and the council confirming a commissioner to fill the unexpired term occasioned by such vacancy.

15. *And be it enacted*, That all acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

16. *And be it enacted*, That this act shall take effect immediately.

Approved March 27, 1874.

CHAPTER CXLII.

An Act to authorize the adjustment and payment of claims and demands arising out of proceedings taken under an act entitled "An act to provide for the construction of a main sewer in the city of Hoboken and township of Weehawken," approved April fourth, one thousand eight hundred and seventy-three, and supplements thereto.

WHEREAS, That part of the township of Weehawken wherein the sewers which were authorized to be constructed by said acts has been annexed to the city of Hoboken, and the commissioners who were appointed under said acts have ceased to exercise the powers conferred; and whereas, claims and demands for services rendered and work and labor done and materials found and provided, touching the improvements by said acts authorized under contracts or undertakings with the commissioners appointed under said acts, remain unpaid, and it is just that a remedy should be provided; therefore,

PROCEEDINGS FOR COLLECTION OF CLAIMS AND DEMANDS.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any person or persons having claims and demands against the commissioners appointed under said act for services rendered or work and labor done and materials for the same found and provided under any contract or undertaking with said commissioners, which claims and demands are held in his or their own right and not by assignment, can bring an action or actions of assumpsit, therefor or other action

or actions as the case may require, against the mayor and council of the city of Hoboken, in any court of this state having competent jurisdiction, and the mayor and city council of the city of Hoboken can plead thereto, and such action or actions shall be conducted as other actions of a like character for like claims under the laws of this state, with like remedies by writs of error, appeals or otherwise, as provided by law; this acts hall not authorize any actions for any claims and demands for loss of profits where contracts and agreements shall have been entered into by said commissioners with any person or persons, and which contracts have not been performed in whole or in part; in case such claims hereby authorized to be prosecuted shall be found just and lawful, final judgment shall be entered thereon against the mayor and council of the city of Hoboken then it shall be they duty of the mayor and council of the city of Hoboken to pay such judgments, and to collect the amount thereof by taxes, in the manner that taxes shall be assessed and raised in said city, and appropriate provision shall be made for the assessment and collection of such taxes by the mayor and council of the city of Hoboken, for which authority is hereby given.

CLAIMS CAN BE SUBMITTED TO ARBITRATION.

2. *And be it enacted*, That by consent between the mayor and council of the city of Hoboken and such claimants, or any of them, such claims and demands as aforesaid can be submitted to arbitration, and the award or awards of such arbitrators, made in accordance with law shall have the same force and effect as judgments aforesaid, and the amount thereof shall be paid as aforesaid, and raised by taxation as aforesaid.

COMPENSATION TO CORPORATION ATTORNEY.

3. *And be it enacted*, That it shall be the duty of the corporation attorney of the city of Hoboken to appear for and on behalf of said city in any action that may be brought against the said the mayor and council of the city of Hoboken, or in any submission to abitration by virtue of the provisions aforesaid, and that he shall be entitled to such reasonable compensation as may be approved of by the mayor of said city, and which compensation so approved as aforesaid shall be paid by the said mayor and council, and all lawfully taxable costs of such suit or submissions to arbitration.

4. *And be it enacted*, That this act shall be deemed a public act and shall take effect immediately.

Approved March 9, 1877.

CHAPTER CCXXXII.

An Act respecting assessments for constructing sewers or continuations of sewers running through adjoining cities.

ASSESSMENTS FOR COSTS AND EXPENSES OF SEWER OR CONTINUATION OF SEWER, &C., TO BE MADE UPON THE LAND AND REAL ESTATE BENEFITED.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter in assessing the costs and expenses incurred in the construction of any sewer or continuation of any sewer running through two adjoining cities in this state, and which may have been or may hereafter be built and constructed under the direction of commissioners appointed for that purpose under and pursuant to the provisions of any law of this state, the commissioners, freeholders, city surveyor, or other person or persons appointed or to be appointed under any law, and who are or may be authorized by law to make an assessment for such improvements, shall in all such cases in and for which such commissioners of assessments, freeholders, city surveyor, or other person or persons are or may be lawfully appointed to make assessments, assess the costs and expenses of such sewer or continuation of such sewer or sewer improvements upon the land and real estate benefited by such improvement and in proportion to the benefits thereby received, in making which said assessments hereby authorized for such sewer improvements in any cities of this state the same shall be made and assessed upon the several lots or parcels of land benefited by such improvement in proportion

to the benefit received by each one of said lots or parcels of land, and no lot or parcel of land shall be assessed more than it is benefited; *provided*, that if the total cost and expense of such improvement exceeds the aggregate amount of assessable benefits, then only so much of said cost and expense as equals the aggregate amount of such benefits shall be so assessed, and the remainder of such cost and expense shall be borne by the cites at large, in which such sewer or continuation of such sewer may be built, one-half of which remainder shall be borne and paid by each of such cities, and the same shall be assessed, levied and raised by general taxation upon all the taxable property in such cities respectively, in the same manner that taxes in such cities respectively for other city purposes are assessed, levied, raised and collected.

2. *And be it enacted*, That all general, public, special and local acts inconsistent with this act, be and the same are hereby repealed; and that this act shall be a general public act, and shall take effect immediately.

Approved April 5, 1878.

CHAPTER CLXXXVI.

An Act granting to cities an unobstructed outlet to the culverts in their streets.

CITIES TO HAVE UNOBSTRUCTED OUTLET FOR CULVERTS TO STREAMS.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the passage and approval of this act, every incorporated city in this state having streets containing culverts or other drains to tidewater, shall, upon public dedication, after the usual form of condemnation, and assessment of private property, have full and unobstructed outlet for the culverts in such streets to any contiguous streams, without amenability to the claims to said water front of the riparian commission or any laws or usages thereof.

2. *And be it enacted*, That all acts or parts of acts inconsistent herewith are hereby repealed, and that this act shall take effect immediately.

Approved March 12, 1880.

CHAPTER L.

An Act to authorize cities to construct sewers and drains, and to provide for the payment of the cost thereof.

BOARD OF ALDERMEN EMPOWERED TO CAUSE SEWERS OR DRAINS TO BE CONSTRUCTED, AND TO PROVIDE AND MAINTAIN A GENERAL SYSTEM OF SEWERAGE AND DRAINAGE.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the board of aldermen of any city in this state to order and cause sewers or drains to be constructed in any part of such city, and to provide, maintain and alter a general system of sewerage and drainage for such city, or any part thereof, conformbly to which all sewers and drains shall be constructed, and to establish and maintain one or more outlets or places of deposit within or without such city, for sewerage or drainage, and to provide for the disposal of sewage and drainage from the city; and to repair and cleanse such sewers and drains.

UPON PRESENTATION OF PETITION OF OWNERS OF PROPERTY, BOARD OF ALDERMEN TO ADOPT RESOLUTION OF INTENTION TO CONSTRUCT SEWER OR DRAIN.

2. *And be it enacted*, That whenever a petition in writing of any owners of property interested, shall be presented to the board of aldermen of the city, asking for the construction of a sewer or drain in any particular section of said city, it shall be lawful

for such board to adopt a resolution declaring its intention to cause such sewer or drain to be constructed, and the said board shall forthwith cause public notice of such intention to be given by the city clerk, or other designated officer, in two or more newspapers printed and circulated in such city, for the space of ten days, briefly describing the proposed work, and requesting such persons as may object thereto to present their objections in writing, at or before the expiration of ten days from the date of such notice, to the officer signing the same; and if persons owning or representing more than one-half of the lineal frontage of land along any street through which it is proposed to construct any lateral sewers or drains shall so present their objections in writing then such proceeding shall cease; but otherwise and after the expiration of said ten days it shall be lawful for such board to adopt any ordinance for the construction of such sewer or drain, to award contracts for the same or any part or section thereof, and to take all necessary steps for properly carrying into effect the desired improvement.

COMMISSIONERS TO BE APPOINTED BY COURT TO ESTIMATE AND ASSESS BENEFITS, &C.

II. If in the judgment of the said board of aldermen, the construction of such sewer or drain is likely to benefit and increase the value of any lands and real estate in the vicinity thereof, the said board shall apply to the circuit court of the county wherein such city is situate, for the appointment of commissioners to estimate and assess such benefits, of the time and place of which application notice shall be given by ten days publication in two newspapers printed and circulating in such city, at which time and place, or at such other time and place as the court shall designate, said court shall without unnecessary delay, ap-

point three commissioners, who shall be freeholders and residents of the city making application, to estimate and assess the said benefits; the said court shall have power to remove any commissioner and appoint another in his place and also to fill any vacancy that may occur in the office of any commissioner from any cause.

COMMISSIONERS TO TAKE OATH, &C.

III. The said commissioners, before entering upon the execution of the duties required of them by this act, shall take and subscribe before some person duly authorized to administer the same, an oath or affirmation that they will make all estimates and assessments required of them, fairly, legally and equitably, according to the best of their skill and understanding, which oath or affirmation shall be attached to the report that they are hereinafter required to make.

COMMISSIONERS TO GIVE NOTICE OF TIME AND PLACE TO HEAR PERSONS INTERESTED.

IV. The said commissioners, having thus qualified shall give notice, under the direction of the said court, of the time and place when and where they will hear any persons in interest who may present themselves to be heard, and at such time and place, and at such other times and places to which they may adjourn for that purpose, the said commissioners shall attend, and shall give a public hearing to those persons in interest who may desire to be heard; the said commissioners shall have power to examine witnesses under oath, to be administered by any one of them, and to enter upon and view any premises that they may deem necessary, and to adjourn from time to time in their discretion, or as directed by said

court; they shall use diligent efforts to ascertain the names of the owners of the lands and real estate benefited by the construction of such sewer or drain as aforesaid, and shall state the same in the report hereinafter mentioned; but the failure to so ascertain the name of any such owner, or to state the same correctly or the omission of any such name from the said report, shall not be deemed to invalidate the said assessments, nor to be a bar to the collection of the same.

COMMISSIONERS TO MAKE REPORT OF ESTIMATES AND ASSESSMENTS, &C.

V. After having given opportunity as aforesaid for a public hearing of the persons in interest, and having viewed the premises likely in their judgment to be benefited by the construction of such sewer or drain, the said commissioners shall make a report in writing of their estimates and assessments to the said court, accompanied by a survey and map, prepared by the city surveyor or engineer, under their direction, showing the lots or parcels of land and real estate peculiarly benefited by such sewer or drain; the said report shall state the cost of the whole work, the portion, if any, assessed upon the city at large, and shall give the names, so far as ascertained, of the owners of the said lots or parcels of land and real estate, and the amount of the assessment to each owner for each of such lots or parcels of land and real estate for the said benefits, which assessment shall in each case be in proportion, as near as may be, to the advantage which each of such owners shall be deemed to have acquired by the construction of such sewer or drain; in case the costs and expenses of such work shall exceed the amount of said benefits, the excess thereof shall be paid by the city at large, and raised by

general tax; in no case shall any property or owner thereof be assessed beyond the amount of benefit actually derived from the construction of such sewer or drain.

NOTICE TO BE GIVEN OF HEARING OF OBJECTIONS TO ASSESSMENTS AND REPORT.

VI. Upon the coming in of any such report, signed by the said commissioners, or any two of them, said court shall cause such notice to be given as it shall deem proper, of the time and place of hearing any objections that may be made to such assessment, and after hearing any matter that may be alleged against the same, the said court, either by rule or order, shall confirm the said report, or shall refer the same to the same commissioners for revision and correction, or to new commissioners to be appointed by the said court forthwith, to reconsider the subject matter thereof, and the said commissioners to whom such report shall be so referred by the court, shall return the same corrected and revised, or a new report to be made by them in the premises, to the said court, without unnecessary delay, and the same being so returned shall be confirmed or again referred by the said court in the manner aforesaid, as right and justice shall require, and so from time to time until a report shall be made or returned in the premises which the said court shall confirm; such report, when so confirmed, shall be final and conclusive, as well upon the said city as upon the owners of any lands and real estate affected thereby; the said court shall thereupon cause a certified copy of such report and the accompanying map to be transmitted to the city clerk of the said city, with a certified copy of the rule or order of said court confirming the same, which shall be forthwith delivered by the said clerk to the

officer of such city charged with the duty of collecting assessments for improvements.

ON CERTIORARI TO BE ALLOWED TO REVIEW PROCEEDINGS IN RELATION TO IMPROVEMENTS AND ASSESSMENTS.

VII. No certiorari shall be allowed by any court to review any of the proceedings in relation to such improvement, nor to in any way affect any assessment made by such commissioners, after the lapse of thirty days from the making of the order of the court confirming such assessment; the court shall designate what notice, if any, shall be given, by publication or otherwise, of the confirmation of the report of the said commissioners.

ASSESSMENTS MADE TO BE FIRST LIEN ON LANDS AFFECTED.

VIII. All assessments made under the provisions of this act shall be and remain a first lien upon the lands and real estate affected thereby, notwithstanding any error or omission in stating the name or names of the owner or owners of any lot or parcel of such land and real estate, to the same extent as taxes and assessments are now a lien under the general laws of this state; and shall bear the same rate of interest as other assessments for improvements made under the laws governing such cities, and shall be collected in the same manner that assessments are now collected under such laws; and in case of the non-payment of such assessments the lands and real estate assessed therefor may be sold in the same manner provided for the sale of lands for the non-payment of assessments made under such laws.

EXPENSES OF IMPROVEMENT MAY BE PAID BY ISSUING OF TEMPORARY IMPROVEMENT CERTIFICATES.

IX. The board of aldermen may pay the expenses

of any such improvement by the issue of temporary improvement certificates from time to time, as the work progresses, in such form as the board may prescribe; said certificates shall bear interest at a rate not exceeding six per centum per annum, to be fixed by the board, and shall be payable at the expiration of not more than three years from the date of their issue;

AMOUNT TO BE PAID BY CITY AT LARGE TO BE INCORPORATED IN ANNUAL TAX LEVY.

X. It shall be the duty of the board of aldermen to incorporate in the annual tax levy, in each year, such amounts as shall be required to be paid by such city at large, on account of any such improvement, made in the next preceding fiscal year, over and above the total amount of the assessment made against the lands and real estate peculiarly benefited, and the same shall be raised by general tax; and the moneys received for assessments, and the moneys so raised by general tax, for the purpose aforesaid, shall be reserved for, and exclusively applied to, the payment for such improvement or to the payment of any temporary indebtedness incurred by the city therefor;

FEES FOR SERVICES UNDER THIS ACT.

XI. The following fees shall be allowed for services under this act.

To the justices of the supreme court: for the appointment of the said commissioners, five dollars; for the hearing of objections to the report, and any other hearing required by this act, five dollars for every day he shall sit to hear the same; for the confirmation of any such report, five dollars; *provided*, that no fees shall be allowed to any such justice receiving a salary in lieu of all fees;

To each commissioner: five dollars for every day he shall be actually engaged in the performance of the duties herein required of him;

FEES BY WHOM PAID.

The foregoing fees shall be paid by the city in which the improvement is made.

CERTAIN "TERMS" WHAT HELD TO INCLUDE.

3. *And be it enacted*, That the term "board of aldermen" when used in this act, shall be held to include the common council or other municipal body now charged by law with the construction of sewers in any of the cities of this state; and the term "sewer" or "drain" shall be held to include catch basins, receiving basins, and all the other appurtenances of sewers or drains.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 8, 1882.

CHAPTER CXXXV.

An Act relating to the improvements of streets and construction of sewers in the cities of this state.

CITIES EMPOWERED TO RAISE CAPITAL FUND FOR IMPROVEMENT OF STREETS AND CONSTRUCTION OF SEWERS.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the common council, or other legislative or governing body, of any city in this state, whenever in its judgment such action shall seem judicious, to raise in its annual tax ordinance a capital fund to be used exclusively in the improvement of its streets and the construction of necessary sewers therein, which said fund so raised in the several cities of the state shall not exceed in any one year the following amounts, viz.: in cities having a population of one hundred thousand inhabitants and over, a sum not exceeding seventy-five thousand dollars; in cities having a population of fifty thousand and not more than one hundred thousand, a sum not exceeding twenty-five thousand dollars; in cities having a population of twenty-five thousand and not more than fifty thousand, a sum not exceeding ten thousand dollars; and in cities having a population less than twenty-five thousand, a sum not exceeding five thousand dollars.

CAPITAL FUND RAISED, HOW APPLIED.

2. *And be it enacted*, That so much of such capital fund raised as aforesaid as the common council, or other legislative or governing body of any such city

shall determine to use for that purpose, may be applied each year to the paving or repaving of the streets of any such city, and such paving or repaving may be done without the consent or request of the owners of property fronting on said projected improvement.

LEGAL REQUIREMENTS TO BE COMPLIED WITH.

3. *And be it enacted*, That before any ordinance providing for the improvement of streets and the construction of sewers as aforesaid, shall be presented for the action of the legislative or governing body of any city, all legal requirements existing in the charter of such city with respect to the notice of intention to do said work, shall be in all respects complied with.

SUM AUTHORIZED AND SET APART FOR IMPROVEMENTS TO BE DESIGNATED BY ORDINANCE.

4. *And be it enacted*, That if the common council or other legislative or governing body of any city in this state shall determine to raise in its annual tax ordinance the sum hereby authorized, or any part thereof, for any or all of the purposes herein designated, the said ordinance shall specifically state how much of said moneys so raised shall be applied to each designated improvement; and the amounts so set apart for a particular and specified improvement shall not be applied to any other use nor exceeded in any year.

ASSESSMENTS FOR BENEFITS TO BE LEVIED AND COLLECTED AND REMAIN A LIEN, &C.

5. *And be it enacted*, That assessments for benefits from any such improvements (except as herein-

after stated) shall be made, levied, collected, and be a paramount lien upon the lands and real estate specially benefited thereby, in conformity with the provisions of existing law in force in such city with respect to making and collecting assessments therein.

MONEYS COLLECTED FROM ASSESSMENTS FOR BENEFITS, HOW APPLIED.

6. *And be it enacted*, That all moneys collected from assessments for benefits as aforesaid, shall be set apart, and kept separate from other funds of said city, to be used as an additional fund for similar improvements as its common council, or other legislative or governing body, shall from time to time determine; and assessments for benefits from such improvements shall be made, levied, collected, and be a first lien upon the lands and real estate specially benefited thereby, in conformity with the provisions of existing law in such city with respect thereto; and the moneys collected therefrom shall be expended solely for similar improvements as its legislative or governing body shall deem judicious; and so from time to time such improvements may be made, and assessments which shall be a prior lien on the lands specially benefited, may be made, collected and applied, under the provisions hereof.

NOTICE TO BE GIVEN TO OWNERS OF LAND TO FLAG, OR REPAIR SIDEWALKS WHEN ORDERED.

7. *And be it enacted*, That whenever any sidewalk or sidewalks in any city shall, in the judgment of its council or other governing body, need flagging, reflagging or repairing, the street commissioner thereof, or other designated officer, shall notify in writing the owner or owners of the land and real estate in front of which said improvement is required, personally or

by leaving the same at his residence, if said owner or owners reside in said city, and can be found, that said sidewalk must be flagged, reflagged or repaired by said owner or owners within thirty days from the service of said notice; if said owner or owners be non-resident, then said notice shall be served on his or their agent, if he can be found, and if not, the same shall be posted conspicuously on the premises; and if said work is not done by the said owner or agent as required by said notice, then the said city shall proceed to do said work, which may be by resolution without notice of intention, and its surveyor, or other officer designated for the purpose, shall ascertain the cost thereof, and shall assess on said property in front of which said work is done, the whole expense of doing the same; the said assessment, when filed in the office of the comptroller or other person authorized to collect assessments therein, shall be a first lien on said property so specially benefitted, and shall be collected and enforced as other assessments are collected and enforced in said city.

8. *And be it enacted*, That this act is to be a public act, and go into effect immediately.

Passed March 27, 1882.

CHAPTER CCXLV.

A further supplement to an act entitled "An act to authorize cities to construct sewers and drains and to provide for the payment of the cost thereof," approved March eighth, one thousand eight hundred and eighty-two.

MUNICIPAL AUTHORITIES MAY ADOPT ORDINANCE FOR CONSTRUCTION OF SEWER NOTWITHSTANDING OBJECTION OF OWNERS OF LAND.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever objections in writing to the construction of any proposed sewer shall be received in answer to the printed notice of intention to build any such sewer, given pursuant to a resolution of said board, and such objections are from persons owning or representing more than one-half of the lineal frontage of land along the street or streets or part or parts thereof through which it is proposed to construct such sewer, the board of aldermen or other legislative body of any such city may, notwithstanding any such objections, proceed to adopt an ordinance for the construction of such sewer or drain and award contracts for the construction of the same or any part thereof; *provided, however*, that any such ordinance for the construction of any such sewer or drain shall require for its final passage a vote of not less than four-fifths of the whole number of such board of aldermen or other body.

2. *And be it enacted*, That all acts or parts of acts inconsistent herewith, are hereby repealed, and that this act shall take effect immediately.

Approved May 7, 1889.

CHAPTER CXXXI.

An Act to provide for drainage and sewerage in cities of this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any city in this state to provide for and cause to be constructed sewers and drains, or a system of sewerage and drainage, or either or any of them, in the manner herein provided, provided that the owners of at least three-fifths in value of the real estate in said city as shown by the assessors' books shall petition its common council so to do; *and provided further*, that after one such petition shall have been presented, no further petition shall be necessary to enable such city or its common council to make any improvement or improvements under this act.

2. *And be it enacted*, That that the common council of such city may, if they think it expedient, from time to time, cause to be made by competent engineers and mechanics, surveys, plans and estimates of any work which may be contemplated under the powers given by this act.

3. *And be it enacted*, That it shall be lawful for such common council, by ordinance, whenever in their opinion the public good requires it, to order and cause sewers and drains, or a system of sewers and drains, to be constructed in any part of said city, under the provisions of this act, and, if necessary, to require, by purchase, and to take and appropriate any lands and real estate that may be needed for that purpose, upon making compensation to the owner or owners thereof as is hereinafter provided; the ordi-

nance shall specify with particularity the streets to be sewered or drained.

4. *And be it enacted*, That in case the said common council shall deem it advisable, in order to the efficient sewage or drainage of such city, to construct a sewer or sewers to tide or other water, and for this purpose to pass through territory situate within the bounds of any township or municipality, it shall be lawful for such common council to construct such sewer or sewers, and to take, appropriate, or use for this purpose, so far as necessary, any lands and real estate, whether within or without the lines of any public street or highway in such township or municipality, making compensation, if necessary, to any owner of lands so taken, appropriated or used; in case such sewer or drain be laid through or across any public street or highway in such township or municipality, or be cleansed, repaired or replaced therein, it shall be done under such reasonable regulations, if any, as may be imposed by such township or municipality, with respect to like work done therein by itself, and such street or highway shall be, as far as possible, restored to its original condition at the proper costs of the city for whose benefit the work is done.

5. *And be it enacted*, That in case the common council of such city shall deem it expedient to contract with the authorities of any other city or cities, or of any township or townships, to construct sewers or drains at their joint cost within or without the territorial limits of the contracting parties in such manner as may be agreed upon, or to contract for the privilege of connecting its sewers and drains with those of such other city or cities, township or townships, constructed or to be constructed, it shall be lawful for the common council or township committee of the corporations concerned to enter into

contract in writing for that purpose upon such terms and for such consideration and length of time as may be mutually agreed upon.

6. *And be it enacted*, That in addition to the land that it may be necessary to take for the purpose of laying drains and sewers, it shall be lawful for common council to acquire by purchase or condemnation in the manner herein mentioned, any other land either within said city or beyond its limits that may be needed for sewerage purposes.

7. *And be it enacted*, That in case the common council shall deem it expedient to collect the sewage of any city or any part thereof from any sewer or sewers constructed under this act or any other act of the legislature of this state, and to deodorize, utilize, consume or dispose of the same by sale or otherwise, wholly or in part, it shall be lawful for said common council to purchase lands in the corporate name of the city, and to erect all necessary buildings, works and machinery thereon, and to take and appropriate for such purpose any lands and real estate upon making compensation to the owner or owners as hereinafter provided.

8. *And be it enacted*, That whenever any ordinance shall be passed by the common council directing the construction of any improvement under the provisions of this act, all further acts and proceedings which it may be necessary to take in order to complete said improvement, and all orders relating thereto, may be by resolution and not by ordinance.

9. *And be it enacted*, That no ordinance, for the making of such improvement shall be acted upon by the common council until public notice shall be given in a newspaper published or circulating in said city of the intention of the common council to cause such improvement to be made, and to that end it shall be duty of the city clerk, by direction of said

council, to give such notice; the notice shall briefly describe the improvement and request such persons as may object thereto to present their objections, in writing, at the city clerk's office, at or before the expiration of ten days from the date of the notice, or to the common council at its first meeting held after the expiration of said ten days; and said council, may, at such meeting or afterwards, proceed to consider and pass such ordinance, notwithstanding any objection.

10. *And be it enacted*, That after the passage of such ordinance it shall be the duty of the common council to appoint, by ballot, from amongst themselves a committee to be called "the committee on sewers," which shall have charge of the work under the supervision of said council and which shall in all things proceed as the council may by ordinance or resolution ordain; such committee shall from amongst themselves elect a chairman, who shall approve in writing all bills or vouchers involving the disbursement of money before the same is paid, and each member of such committee shall be entitled to one dollar a day for every day's actual service as a member of such committee, of which service he shall make affidavit before he shall be entitled to be paid; all work before it is accepted must be approved by the engineer in charge of the work and by said committee; such committee shall continue in office for one year, and until their successors be appointed, the members thereof continuing to be members of said council, but if they cease to be such members, then their place shall be supplied by said council; vacancies, howsoever caused, shall be filled by said council and all improvements made under this act shall be referred to said committee by resolution.

11. *And be it enacted*, That whenever the common council shall determine by ordinance to construct any

sewer or sewers, drain or drains, or any sewage receptacle and pumping station, or other structure or work for treating and disposing of water or sewage, and shall deem it necessary to take and appropriate for any such purpose any land and real estate, either within said city or beyond its limits, they are hereby authorized to treat with the owner or owners thereof for the same; and they may purchase said land and real estate from the owners of the same, and make such compensation therefor as they may deem reasonable, and they shall receive from such owner or owners a conveyance of such lands and real estate to the city.

12. *And be it enacted*, That in case no agreement for the purchase of the lands and real estate, which it may be necessary to take for the purposes aforesaid, can be made between said common council and the owner or owners thereof, or when by the absence or legal or other incapacity of such owner or owners no such agreement can be made, or when the owner is unknown, the circuit court of the county in which said city is situated shall, on application, in writing, made on behalf of said city, and after notice of the time and place of making such application, published at least ten days previous thereto in some newspaper circulating in said city and county, appoint three disinterested commissioners to make an estimate and assessment of damages as hereinafter mentioned; such estimate and assessment may embrace the lands and real estate of all owners with whom no agreement can be made; in case of the death, resignation, refusal to serve or disability of any commissioner so appointed, the vacancy shall be filled by said court as soon as may be; the said commissioners, after having taken the oath required by section nineteen hereof, shall give notice, either by advertisement in some newspaper circulating as aforesaid or by mail-

ing the same to the last known post office address of such owner, of the time and place of their first meeting at least ten days prior thereto; and said commissioners, when met, or a majority of them, shall have power to examine witnesses under oath, to be administered by any one of them, and to enter upon and view the premises, and to adjourn from time to time; and they, or a majority of them, shall make a just and true estimate and assessment of the damages that any owner or owners will sustain by taking and appropriating, in manner aforesaid, such lands and real estate; and in estimating and assessing such damages, the commissioners shall have regard to the value of the lands and real estate taken and to the injury to the remaining land.

13. *And be it enacted*, That said commissioners shall make a report of their estimate and assessment to said circuit court, and upon the coming in of such report signed by said commissioners or any two of them, the said court shall cause such notice to be given, by advertisement or otherwise, as it shall direct, of the time and place of hearing any objection that may be made to such assessment, and after hearing any matter which may be alleged against the same, it shall by rule or order either confirm the said report or refer the same to the same commissioners for revision or correction, or to new commissioners appointed by it, or it may itself, upon a hearing had before it, modify or alter such report and any award of damages made therein in such manner as to it may seem just; and the said commissioners to whom the said report may be so referred, shall return the same corrected and revised, or make a new report, and the same on being so returned shall be confirmed or again referred, or may be modified or altered by said court as aforesaid, and so from time to time, until a report shall be made or returned,

which the said court shall, with or without alteration, confirm, and such report when so confirmed shall be final and conclusive as well upon the said city as upon the owner of any land affected thereby, except as herein provided, and the said court shall cause a certified copy of said report to be transmitted to the city clerk with a certified copy of the rule of said court confirming the same.

14. *And be it enacted*, That said report or a certified copy thereof shall be plenary evidence of the right of said city and its agents to enter upon, take and use the said land and real estate, with the appurtenances, the said common council first tendering to the owner or owners thereof, if resident in the county in which said city may lie, the amount so awarded; and if any owner be not a resident of said county, or upon due inquiry cannot be found therein, or is unknown, or is a lunatic or idiot or under age, or is for any other cause incapacitated to receive the amount awarded, or will not receive the the same and sign a proper receipt therefore when tendered, or in case a dispute arise (of which the common council shall be duly notified) as to the persons entitled to receive the money, or as to the proportions in which they shall be so entitled to receive it, then affidavit shall be made of the facts and filed in the office of the county clerk, and the amount awarded to any such owner shall be deposited in said circuit court before said city shall have the right to take and use the said lands and real estate; in case of such dispute as aforesaid, the matter may be determined by said circuit court in such mode, summary or otherwise, as it may deem proper, or in case of any want of jurisdiction in said circuit court, by the proper tribunal.

15. *And be it enacted*, That any person aggrieved by any assessment of damages may appeal to the su-

preme court of this state at any time within sixty days after the confirmation of the commissioner's report by the circuit court, and said supreme court shall thereupon order a trial by jury to assess such damages anew, and the trial shall be conducted as in other cases of trial by jury or set aside or reviewed in like manner; *provided*, that the completion of said improvement shall not be delayed thereby, and the common council may proceed therewith as though said appeal had not been taken.

16. *And be it enacted*, That immediately upon the completion of the work, or of a definite part thereof, the common council shall, by resolution, ascertain the full amount of the costs, damages and expenses of making and constructing drains and sewers, or a a system of sewerage and drainage, or any part of such system, so far as completed; and they shall, without delay, apply to the circuit court for the appointment of three disinterested commissioners to make a just and equitable assessment thereof upon all the owners of lands and real estate fronting on the improvements which are peculiarly benefited thereby, in proportion as nearly as may be to the advantage each shall be deemed to acquire; the said application shall be on the same notice as is prescribed in section twelve hereof for the appointment of commissioners to assess damages, and the court shall have the same power with respect to their appointment and to the filling of vacancies as is conferred by that section; that said commissioners shall give the notice which commissioners to assess damages are required to give by that section, and they shall have the same powers to examine witnesses and to view the premises as is thereby conferred.

17. *And be it enacted*, That said commissioners, after having taken the oath mentioned in section nineteen hereof, shall at once proceed to perform the

duties hereby conferred upon them, and they shall, within sixty days, unless the court shall before or after its expiration, extend the time, make a just and equitable assessment of the costs, damages and expenses ascertained by said common council as aforesaid, upon the owners of land and real estate fronting on the improvements which are peculiarly benefited thereby in proportion, as nearly as may be, to the advantage each shall be deemed to acquire; in case the said costs, damages and expenses shall exceed the amount of said benefits, then the excess shall be assessed upon and paid by the city, and no benefits shall be assessed in respect of the cost of any improvement or work in so far as such improvement or work extends beyond the line of the whole property assessed, but the cost thereof shall be assessed upon and paid by the city.

18. *And be it enacted*, That said commissioners shall make a report, in writing, of their assessment, signed by them, or any two of them, to said circuit court, and the proceedings upon the coming in of such report shall be in all respects similiar to those prescribed in section thirteen hereof; and the court shall have the same power to confirm, alter and refer such report as is given by that section, and shall proceed in all respects according to the provisions thereof, so far as the same are applicable; the report, when confirmed, shall be final and conclusive, both upon the city and upon the owner of any land affected thereby.

19. *And be it enacted*, That the commissioners appointed to assess damages and those appointed to assess benefits, before they enter upon the execution of their duties, shall severally take and subscribe an oath or affirmation before the mayor of the city or any master in chancery to make the as-

sessment fairly and impartially according to the best of their skill and judgment.

20. *And be it enacted*, That the court shall settle and determine the compensation to be paid to said commissioners, and the costs and expenses of the application, report and proceedings, all of which shall be paid by said city.

21. *And be it enacted*, That no mistake in naming or omitting to name the owner of lands or real estate in any report, map or proceeding, or in designating the quantity of his interest or the nature of his estate, or any miscrecitals, shall in anywise invalidate any assessments or sales made under this act.

22. *And be it enacted*, That in case there shall be in any city a "board of assessments" or "commissioners of assessments" appointed by the common council, and entrusted with the duty of assessing damages and benefits generally in respect of such local improvements as may be authorized by the charter of such city, it shall be lawful for said council to refer all assessments of damages and benefits authorized by this act to such board of commissioners, who shall make said assessments in the manner and according to the principles prescribed by this act; such board or commissioners may be once sworn to make all assessments fairly and impartially, according to the best of their skill and judgment, and if so sworn, need not be sworn again; they shall receive such compensation for their services under this act as shall be determined by the common council, and instead of reporting to the circuit court they shall make their report to the common council, which shall proceed to consider, review, alter, ratify and confirm the same at any meeting of which at least two weeks' previous notice by advertisement shall be given by the city clerk, or at any subsequent meeting; such notice shall be published at least twice

in a newspaper published or circulating in said city, and shall briefly state the object of such meeting with reference to said assessment; and said council, in its discretion, shall have power to refer the matter to any committee of their own body before taking final action upon it; such report when ratified or confirmed shall be final and conclusive, both upon the city and upon the owner of any land affected thereby, except that any person aggrieved by an assessment of damages may appeal to the supreme court in the manner provided by section fifteen hereof; all the provisions of section fourteen hereof shall be applicable to the case of all references made under this section.

23. *And be it enacted*, That in case any city shall find it necessary to provide separate sewers or drains or a separate system of sewers or drains, to carry off the surface water or the water flowing into or through any water course, it shall be lawful for the common council, in its discretion, to provide for the payment of the costs and expenses of such improvement by issuing the bonds of the city in the manner provided by section thirty-eight hereof, without resorting to an assessment for benefits; such bonds shall be issued in accordance with the requirements of section thirty-nine hereof.

24. *And be it enacted*, That the assessment for benefits shall be a lien upon the lots or parcels of land respectively assessed from the date of the ratification or confirmation of the report thereof, and shall be immediately due and payable to the collector or receiver of taxes; and it shall be the duty of the common council to forthwith furnish such officer with a certified copy of such assessment, which he shall enter in a book to be kept in his office for that purpose, and thereupon he shall give notice for two weeks in a newspaper circulating in said city, to

be inserted therein once at least in each week, that said report has been delivered to him, and requiring payment of the sums assessed within sixty days from and after the first publication of said notice, and in case said assessment shall remain unpaid at the expiration of sixty days from and after such first publication, the said assessment shall draw interest thereon from that time at the rate of one per centum per month; and it shall be the duty of such officer to proceed forthwith in the collection of said assessment by a sale of the land in respect of which such assessment may have been made.

25. *And be it enacted*, That the said collector or receiver of taxes shall thereupon give a second notice by advertisement in a nswspaper printed or circulating in said city that unless such assessment with interest thereon as aforesaid, and all costs and fees, shall be paid to him at his office within thirty days after the first publication of said second notice, he shall proceed at a certain time and place therein specified, between the hours of one and five o'clock in the afternoon, to make sale in accordance with the provisions of this act of the said lands and real estate whereon said assessments shall have been imposed or may be a lien; that said second notice shall be published in a newspaper at least four weeks successively, at least once in each week, and shall contain a brief abstract of said assessment, showing the name of the owner or owners when known, a brief description of said lands and real estate, and the amount of unpaid assessments due thereupon, and it shall be lawful to incorporate more than one assessment in said notice.

26. *And be it enacted*, That at the time and place and between the hours mentioned in said notice, the said collector or receiver of taxes shall proceed to sell at public auction the several parcels of land and

real estate upon which the said assessment shall remain due and unpaid for the lowest term of years, but in no case exceeding 50 years, for which any person will take the same and pay the amount of such assessment, with the interest thereon as aforesaid, and all costs and fees, including the expense of advertisement and sale; that such payment shall be made by the purchaser before the close of the sale, and if not so made the said collector or receiver of taxes may re-sell the property or the city may have its action against the purchaser for the payment of the whole amount due, with interest thereon as aforesaid; that the sale may be adjourned from time to time, at the discretion of said collector or receiver of taxes, until all the said lands and real estate shall have been disposed of, and that such parcels as are not bid for when offered for sale or resale shall be struck off to the city for a term of fifty years.

27. *And be it enacted*, That at or before the close of the sale the said collector or receiver of taxes shall make out under his hand and seal, and deliver to each purchaser, a certificate of the sale of each lot of land and real estate so purchased by him; that such certificate shall contain a short description of the property, and shall state the term of years and the sum for which it was sold, as well as the time when the right to redeem the same will expire; that such certificate shall also show the particular assessment under which the sale was made, and the amount assessed against the lot sold, with the interest, costs, fees, and expenses; that such certificate shall be presumptive evidence of the facts therein stated, but any misrecital shall not vitiate it, and it shall be recorded in the office of the city clerk in a book to be kept for the purpose, and may be assigned, but no assignment shall have any ef-

fect until the same shall be recorded as aforesaid in the office of the city clerk, and no declaration of sale shall be executed or delivered to such purchaser or assignee, as hereafter provided, until said certificate shall have been cancelled and filed with the city clerk, unless the loss or destruction thereof be established by affidavit to the satisfaction of the common council.

28. *And be it enacted*, That the collector or receiver of taxes shall keep a full and accurate record in his office of all proceedings upon such sales, including a statement of all certificates granted and all redemptions of property sold by him, to which record all persons claiming to be interested shall have free access at all reasonable times.

29. *And be it enacted*, That if the city become the purchaser of any lands and real estate at any such sale, the certificate of sale shall be assignable as aforesaid, and all the other provisions of this act in relation to the sale shall apply to the city the same as to any other purchaser.

30. *And be it enacted*, That no mortgagee or assignee of any mortgage, whose mortgage or deed of assignment, as the case may be, shall have been duly registered before any such sale for unpaid assessments shall be divested of his rights in the property covered by such mortgage, unless six months' notice of such sale shall have been given to him, in writing, by the purchaser, or by any person claiming under him; that such notice shall be served personally upon the said mortgagee or assignee, if a resident of said county, or if he be not so resident, by being directed to him at his place of residence, as stated in the mortgage or deed of assignment, and by being deposited in the post office of said city, and that in the latter case said notice shall likewise be published for the space of eight weeks, at least once each

week, in a newspaper circulating in said city, and that within one month after such service, or service and publication of said notice, it shall be the duty of the person serving, or causing the same to be served, to place in the office of said collector or receiver of taxes a copy of said notice, together with an affidavit of some person (who shall be certified by the officer taking the affidavit to be a credible person) as to the manner of service, or service and publication thereof.

31. *And be it enacted*, That the owner, mortgagee, occupant, or any person having a legal or equitable interest in any lands and real estate sold as aforesaid, may redeem the same at any time within three years thereafter, by paying to the collector or receiver of taxes, for the use of the purchaser, his legal representatives or assigns, the said purchase money, together with any assessment for taxes or other assessment which the said purchaser may have paid, and of the payment of which he may file a written notice in the office of the said collector or receiver, with interest at the rate of one per centum per month on such purchase money from the time of such sale, and on such payment or payments from the time of filing such notice or notices as aforesaid; and that the certificate of said collector or receiver of taxes, stating the receipt of such moneys and showing what property the same was intended to redeem, shall be evidence of such redemption; and that upon the receipt of such moneys by the said collector or receiver, he shall cause the same to be refunded to the purchaser, his legal representatives or assigns, on demand, and that all proceedings in relation to said sale shall then cease and determine; and that if the person so redeeming be a judgment creditor or a mortgagee, or the assignee of a judgment or mortgage, he shall have a lien on the lands and real estate so redeemed by

him, by virtue of this act, for the amount so paid by him to effect such redemption, with lawful interest thereon, in the same manner as if the same had been included in his mortgage or judgment, and he may enforce the payment in the same manner; and that the said collector or receiver of taxes shall make out two certificates for all property so redeemed, one to be kept by the person so redeeming the same and the other to be filed in the office of the city clerk.

32. *And be it enacted*, That if any lands and real estate so sold shall not be redeemed as aforesaid, the city, by its corporate name, shall execute to the purchaser, or his legal representatives or assigns, a declaration of sale, signed by the mayor or other head officer of the city, and attested by the city clerk, containing a short description of the premises sold together with a brief statement of the facts of assessment, advertisement and sale, including the date of sale and the term for which said premises were sold; that said declaration shall be recorded in the office of the city clerk in books to be kept for that purpose, and until the same be so recorded, such lands and real estate may be redeemed, as hereinbefore provided, notwithstanding the period of three years from the time of such sale may have expired; that such declaration or sale shall be presumptive evidence in all courts and places that such sale and proceedings were regularly made and had, according to the provisions of this act, and no misrecital shall vitiate it, and that such purchaser and his legal representatives or assigns shall, by virtue thereof, lawfully hold and enjoy such lands and real estate, with the rents, issues and profits thereof, for his, her or their own proper use, against the owner or owners thereof, and all persons claiming under him, her or them, until the term shall be completed and ended for which the purchaser agreed to take the same, and at the expiration

of said term shall peaceably and quietly yield up such lands and real estate to the lawful owner or owners thereof, being liable, however, for any waste or injury done or committed by him, her or them, in the same manner as a tenant for a term of years.

33. *And be it enacted*, That in addition to the recording of such certificates and declarations of sale, and assignment of such certficate, as aforesaid, the city clerk shall also give certificates of search in relation thereto to any person or persons applying for the same, and he shall also cancel such certificates and such assignment thereof so recorded, whenever the lands and real estate for which they were given shall be redeemed upon the presentation and filing in his office of the said collector's or receiver's certificates of such redemption.

34. *And be it enacted*, That besides the compensation which is now or may be hereafter allowed to the said collector or receiver of taxes, he shall be allowed such special compensation for special services as may be from time to time determined by the common council; and that he shall also be entitled to receive from each purchaser the sum of one dollar for every certificate or declaration of sale by him given; and that the city clerk shall also be entitled to receive from said purchaser the sum of one dollar for every certificate or declaration of sale, and every assignment of such certificate to be recorded by him as aforesaid; and also, the sum of one dollar for every search (including the certificate thereof), made by him in the record of certificates and declaration of sales and assignments as aforesaid; and that the said collector or receiver of taxes shall likewise collect, for the use of the city, the sum of one dollar from each purchaser at the time of the delivery of the said certificate of sale, for the expenses of advertising and selling each and every lot or parcel of

said lands and real estate by him purchased as aforesaid.

35. *And be it enacted*, That for the purpose of defraying the costs and expenses of improvements, in respect of which an assessment for benefits may be made, the common council may, if necessary, borrow money and secure the payment of the same by the notes and other temporary obligations of the city; these notes and obligations may be renewed from time to time until the work be done or the assessments for benefits confirmed; when so confirmed the common council shall provide for the costs and expenses of the improvements in manner hereinafter mentioned.

36. *And be it enacted*, That if a sum equal to or greater than the amount assessed for benefits has already been borrowed and its payment secured by the notes or other temporary obligations of the city, such notes and obligations to any amount equal to the amount assessed for such benefits may be renewed from time to time, as far as necessary, for a period of five years longer, and all moneys paid in on assessments during that period shall be exclusively devoted to the payment of and shall be used to pay said obligations as they mature; if the amount borrowed be less than the amount assessed, the common council may, if nesessary, borrow and issue its temporary obligations for such additional sum as with the amount already borrowed will equal the amount assessed, and the indebtedness of the city, in whatever form it may exist, shall, to the amount of the assessment, be paid and discharged out of the moneys paid in on assessments, so far as they may be paid in during said period of five years; if at the expiration of said period of five years the said indebtedness so equal in amount to the benefits assessed be not paid in full, the common council in order to provide for

its payment shall issue the bonds of the city for the amount remaining unpaid, which bonds may be registered or coupon bonds, payable in the manner hereinafter provided, and all assessments received by said city, after said period of five years, shall go into its treasury and be used as the common council may direct.

37. *And be it enacted*, That to provide for the difference between costs and expenses or the improvement, including all incidental expenses, and the amount of the assessment, the common council shall, after the assessment has been confirmed, issue the bonds of the city, which may be registered or coupon bonds, payable in the manner hereinafter provided; these bonds shall be used (1) to discharge the notes or temporary obligations of the city issued as aforesaid, so far as they exceed in amount the assessment for benefits, (2) to satisfy and discharge whatever may remain due on the costs and expenses of the work.

38. *And be it enacted*, That in case there be no assessment for benefits, then the common council may issue registered or coupon bonds of the city to an amount sufficient to defray the costs and expenses of the improvement, or of any contract entered into, pursuant to the provisions of this act, payable in the manner next hereinafter provided.

39. *And be it enacted*, That the common council shall cause the aforesaid bonds of the city (other than its temporary obligations) to be issued that they shall become payable in successive years, and not more than forty years from their date; they shall mature in such manner that of the whole number of bonds outstanding an equal amount of them (in value), as nearly as practicable, shall become payable in each year after the year of the earliest issue; in thus arranging their maturity, regard may be had to

the bonds already issued for completed improvements, and also to the bonds which will probably be required for improvements actually contemplated but not yet authorized.

40. *And be it enacted*, That in addition to the powers hereby conferred, the common council may, from time to time, if necessary, issue tax arrearage bonds to an amount not exceeding the amount of unpaid taxes levied on account of sewers and drains, payable not more than ten years from their date.

41. *And be it enacted*, That the notes or other obligations of the city shall bear interest at a rate not exceeding six per centum per annum; they shall not be sold for less than their par or face value, and they shall not be issued to an amount exceeding at any time ten per centum of the valuation of the taxable property in said city as shown on its official books.

42. *And be it enacted*, That said notes and obligashall be signed by the mayor or acting mayor or other head officer of said city, and by the clerk or collector thereof, as may be provided by the common council and shall be issued under such regulations and restrictions as the common council may make.

43. *And be it enacted*, That the common council shall raise by tax in each year, as other moneys are raised in said city, such sum of money as may be necessary to pay the interest on the notes and other obligations of the city, issued as aforesaid, including, when necessary, interest on such of its obligations as may be payable out of the proceeds of assessments and also the principal of such bonds, except obligations payable out of assessments and temporary obligations issued as aforesaid, as may mature during the ensuing fiscal year.

44. *And be it enacted*, That said common council may also, in lieu of issuing bonds of the city, pay

the costs and expenses of any improvements or any annual or other sum due under any contract authorized by this act with money to be raised by taxation, after the work has been determined upon by ordinance, or the contract has been made, as other moneys are raised in said city; *provided*, that the sum so raised shall not in any one year exceed twenty-five thousand dollars.

45. *And be it enacted*, That whenever any work to be performed or materials to be furnished may involve an expenditure of any sum of money exceeding five hundred dollars, the common council shall designate a time when they will meet at their usual place of meeting to receive proposals in writing, for doing the work or furnishing the material; and such council shall order the city clerk to give notice, by advertisement inserted in one or more newspapers published or circulating in said city, at least two weeks before the time of such meeting, of the work to be done or materials to be furnished, of which, at the time of such order, they shall cause to be filed in his office a particular specification; all such proposals shall be publicly opened in the presence of those who choose to attend; and not more than one proposal shall be received from any one person, directly or indirectly, for the same contract; and the said council may reject any and all of said proposals and direct said clerk to advertise for new ones and accept such as shall, in the opinion of a majority of the council, subject to the reservations herein mentioned, be deemed most advantageous for the city; and they shall reduce the contract to writing and require a bond for its faithful performance; but all contracts, when awarded, shall be awarded to the lowest bidder offering satisfactory security; this section shall not apply to any engineer or agent of the city engaged in supervising or directing the work.

46. *And be it enacted*, That it shall be the duty of the receiver or collector of said city, not more than one month and not less than one week prior to the charter election, to publish in two of the newspapers published therein a statement showing the amount of temporary or other obligations issued under this act during the preceding twelve months and the whole amount outstanding; what proportion of the indebtedness thereby created is represented by assessment, and what must be provided for by general tax; what work on what sewers or drains has been begun, prosecuted or completed, and what money has been expended on each sewer on construction account during the year.

47. *And be it enacted*, That no provision of any act which prohibits the pollution of any of the waters of this state, used to supply any acqueduct or reservoir, or which are distributed for public use, is intended to be hereby repealed, and this act shall not be construed to authorize the discharge of sewage into fresh water in such manner as to defile a source of public water supply.

48. *And be it enacted*, That the word common council as used in this act, shall be construed to conclude any board of aldermen or other municipal body having the power to pass ordinances or resolutions for the government of said city.

49. *And be it enacted*, That this act shall take effect immediately.

Approved April 7, 1890.

CHAPTER CXXXVI.

A further supplement to an act entitled "An act to authorize cities to construct sewers and drains and to provide for the payment of the cost thereof," approved March eighth, one thousand eight hundred and eighty-two.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where any sewer is constructed through private lands under the act to which this is a supplement or under any supplement of said act, and such sewer is built in and through a street or streets laid out and shown on maps of the city, but the same or the portion thereof through which the sewer is built on such private lands have not been laid out, used or dedicated as a public thoroughfare, that the commissioners appointed to estimate and assess the benefits shall make and include in such assessment the benefits conferred by the construction of such sewer on such private lands, which assessment, so far as it relates to such private lands, shall not, however, be a lien thereon until said street or streets or avenue through such private lands, or a part of such street or streets or avenue, shall be opened or dedicated by, or used as a public thoroughfare with the consent of, the owner or owners, or until the owner or owners of such private land connect the same, or a part thereof with such sewer, or until such street or avenue or part thereof shall be opened by the authorities of the city according to law, and upon the happening of any or all of the above events application may be made by the board of aldermen or common council of any city wherein such sewer has been constructed, to the cir-

cuit court of the county, of which application the owner or owners of such land shall have ten days' notice by publication in two newspapers printed and circulating in such city, and upon proof made then, or on some adjourned day, to the satisfaction of said court of any of the aforesaid facts, the judge of such court shall certify to the city clerk of such city that the matter has been heard by him, that he is satisfied of the facts, and that from and after the date of such certificate that the said assessment, so far as they relate to the land then in question, shall be and remain a lien on the said lands; and the city clerk shall make and certify to the officer charged with the collection of sewer assessments a copy of the said certificate, and from and thereafter the said assessments shall be payable, and unless paid within sixty days therefrom interest as on the other assessments shall be charged and collected therewith.

2. *And be it enacted*, That the assessments for benefits conferred, assessed under the act to which this is a supplement and all the supplements thereof except that on private lands and particularly provided for in the above section shall be a lien on the lands assessed from the time the report thereof is confirmed by the court, and shall be due and payable therefrom, and that interest at the rate of seven per centum per annum shall be charged thereon and collected therewith from and after sixty days from the confirmation of the said report.

3. *And be it enacted*, That in case the persons owning or representing more than a majority of the lineal frontage along the line of the street or streets or private lands through which it is proposed to construct a sewer object to the construction of the same in the manner prescribed in said acts or supplements, the board of aldermen or common council of any city

may, notwithstanding such objections, proceed and construct the said sewer under the act to which this is a supplement or any supplement thereof, including this, and assess the benefits conferred as provided therein; *provided*, the said board of aldermen or common council deem it necessary so to do, and the ordinance providing for the construction thereof is adopted by a three-fourths vote of said body.

4. *And be it enacted*, That all acts so far as they conflict herewith be and the same are hereby repealed, and that this act shall take effect immediately.

Approved April 7, 1890.

CHAPTER CCCCXVI.

An Act to provide for the continuation of the Ravine road sewer in the city of Jersey City and city of Hoboken.

APPOINTMENT OF COMMISSIONERS TO CONSTRUCT A SEWER.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That immediately after the approval of this act the mayor of Jersey City with the consent and approval of the board of aldermen of said city, shall appoint two commissioners, being freeholders and residents of said city, and the mayor of the city of Hoboken, with the consent of the council of said city, shall appoint two commissioners, being freeholders and residents of said last mentioned city, to construct a sewer commencing at the outlet or termination of the Ravine road sewer in Jersey City, thence to a convenient point in the city of Jersey City, where the said sewer can be connected with one of the sewers now built and established in the said city of Jersey City.

COMMISSIONERS MAY APPOINT SURVEYOR, AND OTHER AGENTS.

2. *And be it enacted*, That the said commissioners shall have power to employ a competent surveyor and engineer, and to designate one of their own number as treasurer of the said commission, who shall receive and pay over all the moneys arising from the building of said sewer, and give bonds, before entering upon the duties of his office to the mayor and

council of Jersey City, in its corporate name, in the sum of twenty thousand dollars, with such freehold security as the said mayor of Jersey City may approve, for the faithful performance of his duties, and such other agents and officers as they may deem necessary, and make or cause to be made a map or maps of the proposed route of the said sewer and file a copy of the same in the offices of the clerks of the city of Jersey City and city of Hoboken; cause descriptions and specifications of the work or any part thereof to be prepared; advertise for proposals to perform said work or any part thereof, all advertisements for proposals to be inserted in at least two newspapers printed and published in each of the cities of Jersey City and Hoboken for a period of two weeks; issue improvement certificates in their own names in payment therefor, therein and thereby pledging the faith and credit of the said cities of Jersey City and Hoboken respectively, payable in such times as they may therein designate, not exceeding two years from the date of issue, bearing interest at the rate of seven per centum from the date of issue; take bonds with sufficient sureties from any officer, agent or contractor employed by said commissioners, for the faithful performance of any duty or work entrusted to them; and generally to do every act and thing necessary to construct the said sewer.

MAY ENTER ON ALL LANDS, ERECT BUILDINGS AND TAKE HOLD, USE AND EXCAVATE LANDS FOR THE BUILDING OF SEWER.

3. *And be it enacted*, That it shall be lawful for the said commissioners, their agents or engineers or others in their employ, to enter upon all lands for the purpose of surveying, leveling and laying out the route of such sewer, as shall be found necessary,

and of locating the same; and to erect all necessary works or buildings, doing no unnecessary injury to private or other property; and when such route shall have been determined upon, and a survey thereof filed as aforesaid, then it shall be lawful for the said commissioners by any of its officers, agents, engineers, contractors, workmen and other persons in their employ to enter upon, take possession of, hold, have and use, occupy and excavate any such lands, and to do all necessary work and erect all necessary structures for the building of said sewer, subject to such compensation as hereinafter provided; *provided*, always, that the payment or tender of payment in said improvement certificates issued as aforesaid, of all damages for the occupation of land through which said sewer may be laid, be made by the said commissioners before they enter, or any person under their direction or employ shall enter, or break ground on the said lands, except for the purpose of surveying and laying out the said sewer, unless the consent of the owner or owners of such land be first had and obtained.

PROCEEDINGS IN CASE COMMISSIONERS CANNOT AGREE WITH OWNERS, FOR USE OR PURCHASE OF LANDS.

4. *And be it enacted*, That when the said commissioners cannot agree with the owner or owners of such required lands for the use or purchase thereof, or when by reason of the legal incapacity or absence of such owner or owners, no such agreement can be made, a particular description of the land so required for the use of the said commissioners in the construction of the said sewer, shall be given in writing, under the oath or affirmation of some surveyor of the commissioners, and also the name or names of the occupant or occupants, if any there be, and of the owner or owners, if known, and their resi-

dence, if the same be ascertained, to one of the justices of the supreme court of this state, who shall cause the said commissioners to give notice thereof to the persons interested, if known and in this state, or if unknown or out of the state, to make publication thereof as the said justice shall direct, for any term not less than six days, and to assign a particular time and place for the appointment of the commissioners hereinafter named, at which time, upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint three disinterested, impartial and judicious freeholders, not resident in either the said cities of Jersey City and Hoboken, commissioners to examine and appraise the said lands and to assess the damages, upon such notice to be given to the persons interested, as shall be directed by the said justice, to be expressed therein not less than six days; and it shall be the duty of the said commissioners, having first taken and subscribed an oath or affirmation, faithfully and impartially to examine the matter in question and to make a true report according to the best of their skill and understanding, to meet at the time and place appointed, and proceed to view, and examine the said lands, and to make a just and equitable estimate or appraisement of the value of the same and an assessment of damages, to be paid by the said commissioners as aforesaid, for such lands and damages aforesaid; which report shall be made in writing, under the hands and seals of the said commissioners or any two of them, and filed within ten days thereafter, together with the aforesaid description of the lands, and the appointment and oaths or affirmations aforesaid in the clerk's office of the county of Hudson, to remain of record therein; which report, or a copy thereof, certified by the clerk of said county, shall at all times be considered as plenary

evidence of the right of the said commissioners to have, hold and use the said land, or of the said owner or owners to recover the amount of the said valuation, with interest and cost, in an action of debt, in any court of competent jurisdiction, in a suit to be instituted against the said commissioners, if they, as such commissioners, shall neglect or refuse to pay the same in manner aforesaid for twenty days; and the said justice of the supreme court shall, on application of either party, and on reasonable notice to the others, tax and allow such costs, fees and expenses to the justice of the supreme court, commissioners, clerk and other persons performing any of the duties prescribed in this section, as they or he shall think equitable and right, which shall be paid by the said commissioners.

COMMISSIONERS TO FILE MAP SHOWING AREA OF LAND DRAINED, AND SPECIALLY BENEFITED.

5. *And be it enacted*, That on the completion of said sewer the commissioners shall cause an assessment map to be made showing the area of land drained by said sewer and specially benefited thereby, and on the completion of said map shall file a notice thereof with one of the justices of the supreme court, who thereupon shall appoint three impartial and judicious freeholders, not residents of the cities of Jersey City or Hoboken, to apportion and assess the costs and expenses incurred in the construction of said sewer upon the real estate specially benefited by the construction of said sewer, and the said freeholders having made and finished the assessment lists of said sewer, shall file a copy of the same with the maps and all necessary documents with a justice of the supreme court, they giving notice of the filing of said assessment map and lists to all parties interested in the same by advertising or

otherwise as they may deem proper, and the said justice of the supreme court shall hear and determine all objections to the confirmation of said assessment; confirm said assessment and order the collection of the same by the commissioners having charge of the construction of said sewer.

COMPENSATION OF COMMISSIONERS.

6. *And be it enacted*, That the said commissioners shall be entitled to receive such compensation for their services as shall be fixed by the board of aldermen of Jersey City and council of the city of Hoboken, to be paid in improvement certificates by the treasurer of the said commission, upon a warrant signed by the said commissioners and issued upon the filing of the certificate of the engineer in charge of the said work as aforesaid, and the treasurer of the said commission shall receive, in addition to the above compensation, the sum of two hundred dollars, to be paid at the time and in the manner aforesaid.

EXCESS OF COST OF CONSTRUCTING SEWER OVER AMOUNT ASSESSED TO BE CHARGED TO JERSEY CITY AND HOBOKEN.

7. *And be it enacted*, That should the costs of constructing said sewer exceed the amounts assessed upon the real estate specially benefited thereby, then the said freeholders shall cause such excess to be equitably divided and charged to the cities of Jersey City and Hoboken, which said cities shall cause such proportion so charged to them to be paid out of the contingent funds of said cities.

ASSESSMENTS TO BE A LIEN.

8. *And be it enacted*, That said assessments shall

be a lien upon all the real estate which shall be assessed for benefits arising from the construction of said sewer, and all assessments remaining unpaid for three months after the confirmation thereof shall bear interest at the rate of eight per centum per annum, from the date of said confirmation, and the commissioners shall give due notice to all parties interested of the confirmation of said assessment by advertising the fact of said confirmation in two of the newspapers published in the cities before mentioned and giving notice when said assessments will be due and receivable.

REPORT OF RECEIPTS AND DISBURSEMENTS WITH LIST OF UNPAID ASSESSMENTS, TO BE FILED.

9. *And be it enacted*, That within eighteen months after the confirmation of said assessments, the said commissioners shall file a report of their proceedings under the provisions of this act, showing the receipts and disbursements in the matter of said assessment, with a list of all unpaid assessments, with the comptroller of Jersey City, who shall proceed to collect said unpaid assessments in the same manner as is provided for in like cases in the charter of Jersey City, and on the filing of such report all further duties as commissioners on said sewer shall cease and determine.

10. *And be it enacted*, That this act shall take effect immediately.

Approved April 9, 1875.

CHAPTER CLI.

Supplement to an act entitled "An act for the continuation of the Ravine road sewer in the city of Jersey City and the city of Hoboken," approved April ninth, anno domini one thousand eight hundred and seventy-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section second of the act to which this act is a supplement, and which reads as follows:

That the said commissioners shall have power to employ a competent surveyor and engineer, and to designate one of their own number as treasurer of the said commission, who shall receive and pay over all the moneys arising from the building of said sewer, and give bonds, before entering upon the duties of his office, to the mayor and council of Jersey City in its corporate name, in the sum of twenty thousand dollars, with such freehold security as the said the mayor of Jersey City may approve, for the faithful performance of his duties, and such other agents and officers as they may deem necessary, and make or cause to be made a map or maps of the proposed route of the said sewer, and file a copy of the same in the offices of the clerks of the city of Jersey City and city of Hoboken; cause descriptions and specifications of the work or any part thereof to be prepared; advertise for proposals to perform said work or any part thereof; all advertisements for proposals to be inserted in at least two newspapers printed and published in each of the cities of Jersey City and Hoboken for a period

of two weeks; issue improvement certificates in their own names in payment therefor, therein and thereby pledging the faith and credit of the said cities of Jersey City and Hoboken respectively, payable in such times as they may therein designate, not exceeding two years from the date of issue, bearing interest at the rate of seven per centum from the date of issue; take bonds with sufficient sureties of any officer, agent or contractor employed by said commissioners, for the faithful performance of any duty or work entrusted to them; and generally to do every act and thing necessary to construct the said sewer," be amended by adding to said section the following words: *Provided*, that whenever the said improvement certificates, shall, in the hands of any one holder thereof, represent in value the sum of one thousand dollars, then such proper authorities of the said city of Jersey City and the city of Hoboken respectively, as have in charge and under their control and management of the finances and financial affairs of said city of Jersey City and the said city of Hoboken respectively, shall issue to said holder of said certificates, bonds of the said city of Jersey City and the said city of Hoboken respectively, equal in representative value to the representative value of said improvement certificates as aforesaid, and in lieu of said improvement certificates, which bonds shall bear lawful interest; and the said improvement certificates for which said bond shall be issued, shall, upon the delivery of said bonds to said holder of said certificates presenting the same, be cancelled, and when so cancelled shall be the property vouchers to said proper authorities of the said city of Jersey City and the said city of Hoboken respectively, for the bonds so issued to said holders respectively.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 9, 1877.

CHAPTER CXXV.

A supplement to an act entitled "An act to provide for the construction of the Ravine road sewer in the city of Jersey City and city of Hoboken," approved April ninth, eighteen hundred and seventy-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section three of the act to which this is a supplement, and which reads as follows:

"3. *And be it enacted*, That it shall be lawful for the said commissioners, their agents or engineers, or others in their employ, to enter upon all lands for the purpose of surveying, leveling and laying out the route of such sewer, as shall be found necessary, and of locating the same; and to erect all necessary works or buildings, doing no unnecessary injury to private or other property; and when such route shall have been determined upon and a survey thereof filed as aforesaid, then it shall be lawful for the said commissioners, by any of its officers, agents, engineers, contractors, workmen, and other persons in their employ, to enter upon, take possession of, hold, have and use, occupy and excavate any such lands, and to do all necessary work and erect all necessary structures for the building of said sewer, subject to such compensation as hereinafter provided; *provided always*, that the payment or tender of payment in said improvement certificates issued as aforesaid, of all damages for the occupation of land through which said sewer may be laid, be made bn the said commissioners before they enter, or any person under their

direction or employ shall enter or break ground on the said lands, except for the purpose of surveying and laying out the said sewer, unless the consent of the owner or owners of such land be first had and obtained," be and the same is hereby amended, so as to read as follows :

3. *And be it enacted*, That it shall be lawful for the said commissioners, their agents or engineers, or others in their employ, to enter upon all lands for the purpose of surveying, leveling and laying out the route of such sewer as shall be found necessary and of locating the same ; and to erect all necessary works or buildings, doing no unnecessary injury to private or other property ; and when such route shall have been determined upon, and a survey thereof filed as aforesaid, then it shall be lawful for the said commissioners, by any of its officers, agents, engineers, contractors, workmen and other persons in their employ, to enter upon, take possession of, hold, have and use, occupy and excavate any such lands, and to do all necessary work and erect all necessary structures for the building of said sewer, subject to such compensation as hereinafter provided ; *provided, always*, that the payment or tender of payment, in lawful money of the United States, of all damages for the taking and occupation of lands through which said sewer may be laid, be made by the said commissioners before they enter, or any person under their direction or employ shall enter or break ground on the said lands, except for the purpose of surveying and laying out the said sewer, unless the consent of the owner or owners of such land be first had and obtained.

MAY CONNECT SEWER WITH SEWERS NOW BUILT AS COMMISSIONERS MAY DEEM EXPEDIENT.

2. *And be it enacted*, That it shall be lawful for the commissioners, appointed or to be appointed under

and pursuant to the provisions of the act to which this is a supplement, to construct said sewer to connect the said sewer with as many sewers now built and established in Jersey City, and with any natural water course intersecting said sewer, as said commissioners may deem expedient or necessary, and that the cost and expense of making such connections shall be deemed and taken as a part of the cost and expense of constructing said sewer, and shall be assessed upon the lands specially benefited, and paid in the same manner provided for in the act to which this is a supplement; that is to say, that on the completion of said sewer the commissioners shall cause an assessment map to be made showing the area of land drained by said sewer and specially benefited thereby, and on the completion of said map shall file a notice thereof with one of the justices of the supreme court, who thereupon shall appoint three impartial and judicious freeholders, not residents of the cities of Jersey City and Hoboken, to apportion and assess the costs and expenses incurred in the construction of said sewer upon the real estate specially benefited by the construction of said sewer, and the said freeholders having made and finished the assessment lists of said sewer shall file a copy of the same with the maps and all necessary documents with a justice of the supreme court, they giving notice of filing of said assessment map and lists to all parties interested in the same by advertising or otherwise as they may deem proper, and the said justice of the supreme court shall hear and determine all objections to the confirmation of said assessment, confirm said assessment, and order the collection of the same by the commissioners having charge of the construction of said sewer; and should the costs of constructing said sewer exceed the amounts assessed upon the real

estate specially benefited thereby, then the said freeholders shall cause such excess to be equitably divided and charged to the cities of Jersey City and Hoboken, when said cities shall cause such proportions so charged to them to be paid out of the contingent funds of said cities.

COMMISSIONERS TO MAKE REQUISITION ON MAYOR, &C., FOR MONEY TO PAY AMOUNT AWARDED LAND OWNER.

3. *And be it enacted*, That in case it shall be necessary to appoint commissioners to condemn any lands necessary to be taken for the construction of said sewer it shall be lawful for the commissioners appointed to construct said sewer, to make a requisition on the mayor and council of the city of Hoboken for a sum of money sufficient to pay the amount awarded to any land owner or owners for the value of the lands and damages thereto, whose lands may have been taken for the purpose aforesaid, and also for all costs, charges and expenses incident to the necessary proceedings taken or to be had, and taken under the fourth section of the act to which this is a supplement; and thereupon it shall be the duty of the mayor and council of the city of Hoboken to draw a warrant on the contingent fund of said city, payable to the order of the treasurer of said board of commissions, for the amount required, and it shall be the duty of said treasurer of said board to receive said moneys and pay out the same under the direction of said board of commissioners.

MONEY TO BE REFUNDED AND PAID BACK.

4. *And be it enacted*, That all moneys paid by the mayor and council of the city of Hoboken, in pursuance of the preceding section of this act, shall be re-

funded and paid back out of the first moneys collected from assessments on lands specially benefitted by the construction of said sewer.

COMMISSIONERS MAY ISSUE IMPROVEMENT CERTIFICATES.

5. *And be it enacted*, That in case the said commissioners appointed to construct said sewer shall deem it advisable so to do, instead of making a requisition on the mayor and council of the city of Hoboken for the moneys necessary for the purposes mentioned in the third section of this act, to raise money for the purpose aforesaid by issuing improvement certificates, or certificates of indebtedness, in the manner mentioned in the second section of the act to which this is a supplement, that is to say in their own names, therein and thereby pledging the faith and credit of the said cities of Jersey City and Hoboken respectively, payable in such times as may therein designate, not exceeding two years from the date of issue bearing interest at the rate of seven per centum from the date of issue; *provided*, that whenever the said improvement certificates shall, in the hands of any one holder thereof represent in value the sum of one thousand dollars, then such proper authorities of the said city of Jersey City and the city of Hoboken respectively as have in charge and under their control and management the finances and financial affairs of said city of Jersey City, and the said city of Hoboken respectively, shall issue to said holder of said certificates bonds of the said city of Jersey City and said city of Hoboken respectively, equal in representative value to the representative value of said improvement certificates as aforesaid and in lieu of said improvement certificates which bonds shall bear lawful interest; and the said improvement certificates for which said bonds shall be issued, shall, upon the de-

livery of said bonds to said holder of said certificates presenting the same to be cancelled, and when so cancelled shall be the proper vouchers to said proper authorities of the said city of Jersey City and the said city of Hoboken, respectively, for the bond so issued to said holders respectively; and it shall be lawful, and the said commissioners are hereby empowered, to issue such certificates payable to the treasurer of said board of commissioners or holder thereof, and thereby pledging the faith and credit of the said cities of Jersey City and Hoboken respectively, payable in such times as they may therein designate, not exceeding two years from the date of issue, bearing interest at the rate of seven per centum per annum from the date of issue, and thereupon the said treasurer of said board is hereby authorized and empowered to negotiate and sell the said certificates of indebtedness for the best price he can obtain for the same, and the proceeds of such certificates shall be paid out by the said treasurer under the direction of said board for the purposes aforesaid.

6. *And be it enacted*, That this act shall take effect immediately.

Approved March 27, 1878.

CHAPTER LIV.

An Act to provide for the reconstruction of main outlet sewers heretofore constructed at the joint expense of two cities.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever in this state any two cities shall have united under legislative enactment and contributed jointly to the expense of constructing a main outlet sewer for the purpose of carrying off the sewage of either or both of said cities; and where it appears that such sewer answers the purpose of draining one of such cities only and not the other, and is a detriment to the health of the city not drained by it by reason of the broken and irreparable condition of such sewer, it shall and may be lawful for the common council or other legislative body of such city not drained by said sewer to apply by petition to a supreme court justice for the appointment of three commissioners to remove the section of a sewer built and constructed through such city as aforesaid, and to build and to continue said sewer from the point where it diverges from its line of direction in such city drained by it to enter the city represented by such petitioners and to carry and continue the same along the streets and avenues and through the city using said sewer, and not through the lands of any other city.

2. *And be it enacted*, That if the said supreme court justice shall be of the opinion from the evidence offered, that the section of sewer constructed through the lands of said petitioners is not used for the purpose of drainage by said city, but on the con-

trary is detrimental to the lives and health of the citizens represented by said petitioners by reason of the broken and irreparable condition of said sewer and the flowage of sewerage from the same out and upon the lands of said petitioning city, the said supreme court justice shall order that ten days' written notice of such application be given to the city using said sewer for the purpose of being heard in answer to said petition, and if on the return day of such notice no satisfactory reason be given to said justice why the said petition should not be granted; and if appears that the facts alleged in the said petition conform to the conditions required by this act, and are substantially true, the said supreme court justice shall then and there appoint three commissioners, being residents and freeholders of the county to construct and rebuild said sewer from a point where it diverges in the city using and drained by it to enter the city of said petitioners to and through such city, using it to such point as may be considered most convenient and best adapted to connect said sewer with the other section of said sewer in such city drained by it; *provided*, that the said section so to be constructed shall not be built in any portion of another city than that using and drained by said sewer, nor shall it be so built as to throw or emit any of its contents on the lands of such other city not using the said sewer so drained by it.

3. *And be it enacted*, That the said commissioners so appointed, after having been duly sworn, shall have power to enter into contracts for the construction of said sewer section, and may employ such necessary surveyors and agents as they may deem proper, and shall make or cause to be made a map of the proposed route of the said sewer, and file a copy of the same in the office of the clerk of such city drained by the said sewer, and shall cause specifica-

tions and descriptions of the work to be prepared, and shall advertise for proposals to perform the said work, in at least two newspapers printed in such city for the period of two weeks, and that the said commissioners shall have power to make all necessary contracts with contractors for the doing and completing of said work and connecting the said sewer at such point as they may determine upon, and that the said connection sewer shall be constructed of such materials as the said commissioners may deem best adapted and most durable for the service to be performed by the same.

4. *And be it enacted*, That the said commissioners shall issue requisitions on the board of aldermen or other governing body of such city drained by the said sewer, in such sums and for such amounts as the said commissioners may require for the performance of said work and the carrving out of all necessary contracts, which improvement certificates shall be issued by the said board of aldermen or other body having charge of the finances of such city, and power to issue such certificates under the seal of said city and the hands of its mayor in the same manner that other improvement certificates of such city are now issued for the doing of similar work.

5. *And be it enacted*, That on the completion of the said sewer the said commissioners shall cause an assessment map to be made showing the area of land drained by the said connection, and for that purpose shall examine into the whole matter and file their report and assessment with the clerk of the county, and file copies thereof with the clerk of the city drained by such sewer, and shall then give two weeks' public notice in two newspapers that they will meet at the city hall in said city drained by said sewer to hear objections to the said assessment, and shall then give two weeks' public notice of their in-

tention to apply to said supreme court justice for the confirmation of said assessment by advertising for two weeks in two daily newspapers of said city drained by said sewer and on the day mentioned in such notice the said justice on the motion to confirm the said assessment shall hear and determine all objections to the confirmation of the same, and if no satisfactory objection be made, shall confirm the said assessment.

6. *And be it enacted*, That the officers or board of such city drained by said sewer who are charged by law with the making of assessments for street or sewer improvements, shall assess so much of the cost and expense of making such sewer connection upon the lands specially benefitted thereby in proportion to the benefit received and no more, and any excess for such special benefit shall be paid and met by said city at large by taxation.

7. *And be it enacted*, That the said justice of the supreme court shall allow to each of said commissioners such compensation as he may consider equitable and just for their services, and shall also allow such commissioners such sum as he may deem proper for the services of a counsel and clerk for the said commissioners, which sum or sums shall be included in the said assessment and collected in the same manner.

8. *And be it enacted*, That the said commissioners shall, if they deem proper, have power to enter upon the lands of the city petitioning for the removal of said sewer and the reconstruction of same and removal therefrom such old material upon said lands which they may deem necessary or fit for use in the construction of said new connection, and that in the event of the failure of said commissioners so to do before the confirmation of their report, the common council or other legislative body of said city peti-

tioning for the removal of said sewer, shall have power at its own cost and expense, without notice at any time after the confirmation of the said assessment, to cause the section of sewer located upon the lands of said petitioning city to be removed and appropriate the material so removed to the use of such petitioning city.

9. *And be it enacted*, That in case of the death, resignation, refusal to serve or disability of any commissioners appointed under the provisions of this act, the vacancy shall be filed by the said supreme court justice.

10. *And be it enacted*, That any assessments made or levied under this act shall be and remain a lien upon the lands assessed until paid, and that said assessments may be collected and the payment thereof enforced in the same manner prescribed by law with respect to assessments for other improvements in said city so drained by said sewer.

11. *And be it enacted*, That after its completion, such sewer shall be kept in repair at the expense of the city drained by it and in whose territory it is constructed.

12. *And be it enacted*, That all acts and parts of acts, general, local or special, and all charter provisions inconsistent with the provisions of this act be and they are hereby repealed, and that this act shall be considered a public act and to take effect immediately.

Approved March 18, 1890.

Drainage.

CHAPTER CCIII.

An Act to authorize the corporate authorities of cities and towns to drain meadow and swamp lands lying within their corporate limits.

MAY CONTRACT FOR DRAINAGE, &C.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the corporate authorities of any town or city having within its corcorporate limits any meadow or swamp lands, may be the unanimous vote of all members elected to the board of aldermen, council, or other legislative body of such town or city, with the approval of the mayor or other chief executive officer of said town or city, enter into a contract with any person or persons to drain the same by the construction of dykes, dams, tide banks, drains, sluices, sewers, pumps or other mechanical means necessary or useful, for a term of years not to exceed ten, and to renew the said contract at the expiration of the said term, for a further period of ten years; *provided*, that before the making and entering into any such contract, the said authorities shall first cause an advertisement to be inserted for the space of thirty days, in at least one newspaper printed and published in the said city or town, for proposals, plans and estimates for draining said meadow or swamp lands lying within the corporate limits of said town or city; *and provided, further*, that this act shall not be construed to inter-

fere with any corporation of this state now having authority to drain any territory.

ANNUAL EXPENSE OF DRAINING TO BE ASSESSED AND COLLECTED.

2. *And be it enacted*, That the annual expense of draining said lands shall be assessed by commissioners of assessments or other persons authorized and empowered to perform those duties in any town or city, upon the said lands so drained and upon all the lands of the said town or city, according to the special benefit received by said lands, together with five per centum in additional for the costs and expenses of making such assessment and collecting the same, two per centum to be paid to the persons making and three per centum to the person or persons collecting the same.

EXCESS OF CONTRACT OVER AMOUNT ASSESSED TO BE PAID OUT OF CONTINGENT FUND.

3. *And be it enacted*, That should the annual amount of the consideration money of said contract exceed the amount assessed upon the real estate specially benefited thereby, such excess shall be borne by and paid out of the contingent fund of said town or city, or shall be added to the annual tax levy of said town or city, and be assessed and collected the same as taxes are collected and assessed in said city.

WHEN ASSESSMENT SHALL BE MADE.

4. *And be it enacted*, That the said assessment shall be made at the same time as the annual assessment for taxes is made in the said town or city in which said meadow or swamp lands are situate, and

by the corporate authorities of which said contract has been made; and that on or before the last day of making such annual assessment of taxes, the said commissioners of assessment shall file, in each and every year, an assessment map of such assessment in the office of the clerk of said town or city.

TIME AND MODE OF COLLECTING ASSESSMENT.

5. *And be it enacted*, That said assessment shall be collected at the same time and in the same manner and by the same person or persons, as the same shall be collected by the city or town in which said meadow or swamp lands may be situate, and by the corporate authorities of which said contract has been made.

ASSESSMENTS TO BE A LIEN.

6. *And be it enacted*, That said assessment shall be a lien upon all real estate which shall be assessed for benefits specially arising from the drainage of said meadow and swamp lands, and shall be sold in the same manner and at the same time as lands are now, or hereafter may be, sold for the non-payment of taxes in the said town or city in which any said meadow or swamp lands may be situate.

7. *And be it enacted*, That this act shall take effect immediately.

Approved April 21, 1876.

CHAPTER LXXXV.

An Act concerning cities.

BOARD OF ALDERMEN OR COUNCILMEN MAY SECURE FROM THE VOTERS BY ELECTION AN EXPRESSION OF OPINION ON THE QUESTION OF FILLING IN PROPERTY COVERED WITH TIDE WATER.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the board of aldermen or common council of any incorporated city of this state, to make such provision as it may deem necessary to secure from the voters of any such city, by election and ballot, an expression of opinion on the question of filling in property, within the limits of any such city, which is now or may hereafter become covered by tidewater, or by erecting pumping works for the purpese of draining any such property.

EXPRESSION OF OPINION TO BE DETERMINED BY POPULAR VOTE AT NEXT ELECTION.

2. *And be it enacted*, That such expression of opinion shall be settled and determined by a popular vote at the next succeeding annual municipal or general election following the passage of this act as said board of aldermen or common council shall determine, and said municipal board shall cause said election to be advertised, for the time now prescribed by the general election law, and shall cause the result of such election to be certified and filed with the secretary of state within thirty days after said election, and that said common council shall have power to carry out the provisions of this act by the

issuing of bonds bearing interest at a rate not exceeding six per centum per annum; *provided*, that nothing in this act shall allow any city to exceed the limit of debt fixed by its charter.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1882.

ACTS

RELATIVE TO

TAXES

AND

EXEMPTIONS.

Taxes.

CHAPTER CCLXX.

An Act to refund to the city of Hoboken certain state and county taxes heretofore paid by said city.

WHEREAS, the southern boundary line of the city of Hoboken was altered by an act entitled "A further supplement to an act, entitled 'An act to incorporate the city of Hoboken,'" approved March twenty-eighth, eighteen hundred and fifty-five, passed April sixth, eighteen hundred and sixty-six, and a portion of the lands formerly in Jersey City was by said act included in the city of Hoboken; and whereas, the territory thus taken from Jersey City has been restored to said city by an act passed during the last legislature; and whereas, the lands thus restored were assessed for state taxes of the year eighteen hundred and sixty-five, one hundred and eighty-six dollars and seventy-five cents, and for county taxes seven hundred and five dollars and fifty cents; and whereas, said tax amounts were severally paid to the state and to the county of Hudson; and whereas, Jersey City has also assessed said lands for the same taxes, and have collected a portion of said taxes; and whereas, it is unjust that said taxes should be twice paid, and that the other property of the city of Hoboken should pay these amounts; therefore,

PAYMENT BY STATE TREASURER.

1. BE IT ENACTED *by the Senate and General Assem-*

bly of the State of New Jersey, That the state treasurer pay to the treasurer of the city of Hoboken the sum of one hundred and twenty-two dollars and seventy-five cents, and that the county collector of Hudson county pay to the treasurer of the city of Hoboken the sum of four hundred and fifty-three dollars and fifty cents.

2. *And be it enacted*, That this act shall be a public act, and take effect immediately.

Approved April 1, 1868.

CHAPTER CCCLV.

A further supplement to an act entitled "An act to incorporate the city of Hoboken," approved March twenty-eighth, eighteen hundred and fifty-five.

TREASURER MAY MAKE TRANSFERS.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the treasurer of the city of Hoboken, by authority of the council of said city, to transfer to any person or persons who will pay the amount due thereon, any unredeemed and uncancelled declaration of sale heretofore issued to said treasurer or that may be hereafter issued to him for any lands, tenements or real estate, lawfully purchased by said treasurer for the benefit of said city, at any sale for unpaid taxes, assessments, water rents or other charges for which the corporation of said city are or may be authorized to sell such lands, tenements or real estate.

CERTIFICATE OF TRANSFER, HOW EXECUTED.

2. *And be it enacted*, That a certificate of such transfer, signed by said treasurer, endorsed upon or annexed to such declaration of sale and attested by the city clerk under his hand, shall, together with such declaration of sale, be delivered to the transferee at the time of such transfer, and, thereupon, the person or persons to whom such transfer and delivery are made shall in all respects be entitled to the same rights, powers and privileges, under said declara-

tion of sale, as if the same had been originally lawfully issued to any person other than the treasurer of said city, and by such person duly and legally assigned and set over to such transferee; and such certificate of said treasurer, attested as above stated, shall operate as and be an assignment and conveyance of the said declaration of sale, and the rights and interests thereby conveyed to said treasurer as fully and to the same extent as if said declaration of sale had been originally issued to any other person, having power to assign and convey his own interest therein, and had thereupon been assigned and conveyed to said transferee.

CERTIFICATE OF TRANSFER TO BE RECORDED.

3. *And be it enacted*, That it shall be the duty of the city clerk, at the time of attesting said certificate, to record the same or an abstract thereof in the margin of the record of the declaration of sale by said certificate transferred or assigned, and the said attestation and record of said certificate by the city clerk shall be deemed and taken as conclusive evidence of the consent and authority of the council to such transfer being made.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 31, 1869.

CHAPTER CLXXXI.

An Act to authorize the apportionment of taxes, assessments and water rents.

PROCEEDINGS FOR THE APPORTIONMENT OF ASSESSMENTS AND WATER RENTS UPON APPLICATION, IN WRITING, BY ANY PERSON INTERESTED.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That upon application, in writing, by any person interested to apportion any taxes, assessments or water rents, which have been or shall be laid upon any plot or parcel of land in any city, town or township, amongst any subdivisions of such plot or parcel, accompanied by a map showing the subdivisions desired, the officer or body to which such application shall be made as herein provided, shall have power to make a just apportionment of such taxes, assessments and water rents upon and among such subdivisions or such other subdivisions as it may deem just and proper, and also to apportion, in manner aforesaid, any taxes, assessments and water rents for non-payment of which any plot or parcel of land has been or shall be sold under the laws relating to such sale, with expenses of sale, in cases where such land has been or shall be bought by the treasurer or other officers of such city, town or township, for the use and benefit thereof, or by such city, town or township.

MAP AND REPORT TO BE FILED.

2. *And be it enacted*, That upon the approval of such apportionment by the mayor or passage over

his veto, if application was made to the body hereinafter mentioned, where such lands lie in a city, the city clerk shall file the map and report of the officer, board or council showing such apportionment, and upon the adoption of such apportionment by the council or other governing municipal authority of any town, or by the township committee of any township, the clerk of such town or township shall file the map and report showing such apportionment, and upon such filing the said taxes, assessments or water rents as so apportioned, shall be and remain a lien upon such subdivisions in the same manner as if such taxes, assessments or water rents had been originally laid or assessed upon such subdivisions in the separate amounts so apportioned, and upon payment to the proper officer of the amount so apportioned to any subdivision, with interest and penalties added at the same rates as were chargeable on the original taxes, assessments or water rents respectively, and in case of sales with the proportion of expenses of sale added, such subdivision shall be discharged from lien or liability under such taxes, assessments and water rents and from the effect of such sale therefor.

POWERS TO APPORTION, &C., IN WHOM VESTED.

3. *And be it enacted*, That such powers to apportion shall be vested in and such application made to the mayor and common council, or board of aldermen or other chief municipal authority of the several cities and towns, and the township committees of the several townships; *provided*, however, that whenever there is or shall be in any city or town a board of finance and taxation, or any body possessing the general powers now exercised by such boards, the power of apportionment as aforesaid shall be vested in and such application made to that board; and

provided further, that wherever there is or shall be in any city an officer called a comptroller, the power of apportionment as aforesaid shall be vested in, and such application made to that officer.

PROCEEDINGS WHEN OWNERS OF LANDS TO BE AFFECTED DO NOT JOIN IN APPLICATION.

4. *And be it enacted*, That when any of the owners of the lands to be effected by such apportionment shall not join in such application, then such comptroller, board, council or township committee shall direct notice to be given to such owner, if resident in such city, town or township, either personally or by leaving the same at his place of abode, and if not resident in such city, town or township, by advertisement for ten days in a newspaper published and circulating in such city, town or township, and if none is so published, then in the nearest newspaper published in the county, of the time and place where and when a hearing will be had upon such application before such comptroller, board, council or township committee, or a committee thereof, which notice, upon proof of service or publication thereof, shall be deemed sufficient and said comptroller, board, council or township committee may thereupon make such apportionment.

5. *And be it enacted*, That this act shall take effect immediately.

Approved April 21, 1876.

CHAPTER II.

An Act relating to interest on arrears of taxes and assessments in incorporated cities.

RATE OF INTEREST ON UNPAID TAXES.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the rate of interest on taxes remaining unpaid in any incorporated city in this state, at a period when said taxes are by their several charters declared to be in arrears, shall be ten per centum per annum from the date when said taxes are so declared to be in arrears, and in cases where lands and real estate have been or may be, sold for non-payment of said taxes, the certificates of said sales shall be redeemable (except as hereinafter stated,) upon payment of the amount for which said lands and real estate were or are sold, and interest thereon at the rate of ten per centum per annum from the date of said sale; *provided, however*, that it shall be lawful for the governing bodies of cities, in which the redemption of said certificates is not pledged to commissioners of sinking funds for the payment of bonds issued in anticipation of the collection of such taxes, to fix by resolution the interest on said past due taxes at a rate not less than seven nor more than twelve per cent. per annum, and in lieu of said rate being fixed by resolution of the governing body, the rate shall be ten per cent. as above, and no more.

RATE OF INTEREST ON UNPAID ASSESSMENTS.

2. *And be it enacted*, That the rate of interest on

unpaid assessments for local improvements, in any of the cities of this state, shall be seven per centum per annum from the date when the same are due and payable, in accordance with the provisions of the charters of incorporated cities of this state until the date of sale of the lands and real estate on which said unpaid assessments are a lien, and after such sale the certificates, issued in pursuance of law, shall be redeemable upon payment of the amount for which said property was sold, and interest at the rate of ten per centum per annum from the date of said sale; *provided, however*, that nothing in this or the preceding section contained, shall authorize the receipt, under the provisions of this act, of any such taxes or assessments in cases where lands and real estate have been sold for such taxes or assessments, and bought by any other person than the city in which said taxes or assessments are laid, or some officer thereof for the use of such city; nor shall any lien upon real estate for such taxes or assessments be released or effected; nor shall any sale of any real estate for taxes or assessments, or the delivery of any certificate or declaration of sale or deed therefor, be stayed or delayed by anything in this act contained.

3. *And be it enacted*, That this act shall take effect immediately.

Approved February 5, 1878.

CHAPTER XXXII.

An Act authorizing the receipt in instalments of certain taxes in cities.

AUTHORIZED TO RECEIVE TAXES IN INSTALMENTS OF NOT LESS THAN ONE-FOURTH OF THE WHOLE AMOUNT AND INTEREST.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the persons authorized by the charters of the several cities of this state to collect and receive taxes for state, county and municipal purposes, are hereby authorized and empowered to receive the same in instalments of not less than one-fourth of the whole amount of the taxes, and interest thereon remaining unpaid, at any time before the sale of the lands and real estate upon which said taxes are a lien, and in case of sale of lands and real estate for delinquent taxes which have been partially paid under the provisions of this act, the amount for which said lands and real estate shall be sold, shall be the amount of said taxes then remaining unpaid, with such addition for interest as shall be fixed by law, together with the costs of advertising and auctioneer's fees; *provided, however*, that nothing in this act contained shall authorize the receipt under its provisions of any such instalment of taxes in cases where the lands and real estate on which said taxes are a lien, have been or shall be sold for non-payment thereof, nor shall any lien upon real estate be released or affected, nor shall any sale of real estate for taxes be stayed or delayed by anything in this act contained.

3. *And be it enacted,* That this act shall take effect immediately.

Approved February 28, 1878.

CHAPTER CCXV.

An Act in relation to cities.

AUTHORIZED TO INCREASE RATE OF TAXATION FOR MUNICIPAL PURPOSES TO ONE AND ONE-HALF PER CENT.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cities of this state of less than one hundred thousand and more than fifteen thousand inhabitants, by the last state census, whose charters prescribe that the rate of taxation for municipal purposes shall not exceed one hundred cents on one hundred dollars, the common council or other municipal body shall have the power, by ordinance, duly passed and approved by the mayor, to direct and require a rate of taxation for said municipal purposes equal to and not exceeding one and one-half per centum.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 5, 1878.

CHAPTER CLXXX.

An Act to regulate the taxing and assessing of lands heretofore sold, or which may hereafter be sold in any city, incorporated town or township of this state, for non-payment of taxes, assessments or water rents, and which lands may have been or may hereafter be purchased by said city, town or township, or by any person in its behalf.

TAXES, ASSESSMENTS AND WATER RENTS TO BE CONTINUED UPON LANDS OR REAL ESTATE IN THE HANDS OF THE CITY, TOWN OR TOWNSHIP.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any city, incorporated town or township of this state, in which lands or real estate have been heretofore sold, or shall be hereafter sold, for non-payment of taxes, assessments, or water rents, and purchased by such city, town or township, or by any person in its behalf, subject to the right of redemption provided for by law, the taxes, assessments and water rents shall continue to be assessed upon said lands or real estate in the hands of such city, town or township, or the person holding in its behalf; but it shall not be necessary to advertise said lands for sale for non-payment of any such tax, assessment or water rent, now laid or hereafter to be laid, or to sell said lands or real estate therefor, and said taxes, assessments, and water rents with interest at ten per centum per annum, unless such interest shall be fixed by such city at a rate not less than six nor more than ten per centum, shall be and remain a first lien upon

said lands or real estate, and shall be paid to such city before said lands or real estate can be redeemed.

POWER TO SELL LANDS OR REAL ESTATE.

2. *And be it enacted*, That any such city, town or township shall have power to sell said lands, or real estate, and to direct the transfer of the declaration of sale now authorized by law to be issued, subject to the right of redemption provided for by law, to any person paying the amount of the taxes, assessments or water rents for which said lands or real estate may have been sold, and the subsequent taxes, assessments, or water rents, assessed and made a lien pursuant to the provisions of this act, and after the expiration of the time for redemption and the giving of the notices required by law to be given to any mortgagee or other person such sale or transfer shall vest in such purchaser all the estate which such city, town or township, or the person holding in its behalf may have in said lands or real estate.

FEES NOT ALLOWED.

3. *And be it enacted*, That no fees shall be allowed to, or paid to any official for any services connected with the assessing or collecting of any such tax assessment or water rent.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1879.

CHAPTER CLXXXI.

An Act to authorize incorporated cities in the state of New Jersey to adjust and compromise past due taxes.

WHEREAS, certain taxes heretofore levied within cities in this state have been illegally assessed or made.

PROCEEDINGS FOR ADJUSTING PAST DUE TAXES.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the board of aldermen or common council of said cities, respectively, or any committee of said board of aldermen or common council, of not less than three in number, for that purpose by resolution appointed to examine, revise, alter, adjust and compromise all or any such past due taxes, in said cities respectively, the justness and legality of which may be disputed by any person or persons, or corporation; *provided, however*, that in all cities where there exists a board of finance and taxation, or commissioners of the sinking fund, that such board of commissioners, as the case may be, shall exercise said powers in lieu of said board of aldermen or common council, and in all cases the final action of such committee, board of finance and taxation, or commissioners, upon any case arising under this act, shall, before the same shall become valid, be approved by the board of aldermen or common council of said cities respectively.

PROCEEDINGS IN CASE ANY PERSON OR PERSONS OR CORPORATION IS AGGRIEVED.

2. *And be it enacted*, That any person or persons or corporation, separately or collectively aggrieved by any such past due taxes in any said city, may present to said board of aldermen or common council, or board of finance and taxation, or commissioners of the sinking fund of said city in which such disputed past due tax exists, a petition, therein stating his or their objections to the same, and praying relief, and upon so presenting such petition, the past due tax so objected to shall be considered to be disputed, so as to give any such board of aldermen or common council, or board of finance and taxation, or commissioners of the sinking fund, or any committee therein duly appointed by resolution of said board of aldermen or common council, or board of finance and taxation, or commissioners of the sinking fund, jurisdiction to revise, alter, adjust and compromise the said past due tax as shall be equitable and just, and that every such past due tax which shall be so revised, altered, adjusted and compromised, shall be final and conclusive between every such person or persons or corporation, so objecting, and the city in which such past due tax shall be revised, altered, adjusted and compromised.

PROCEEDINGS SHALL BE SIGNED BY PRESIDING OFFICER.

3. *And be it enacted*, That the proceedings of every of the said board of aldermen or common council, or board of finance and taxation, or commissioners of the sinking fund, or the duly appointed committee thereof, shall be signed by the presiding officer of such board of aldermen or common council, or board of finance and taxation, or commissioners of the

sinking fund, if had before them, or if before a committee thereof, as herein authorized, then by the said committee, or a majority of them, and filed in the office of the officer of the said city in which such proceedings shall be had, with whom such tax was filed before such revision, and when such proceedings shall be so filed, the said past due tax as revised, altered, adjusted and compromised, shall be and remain a lien upon the property on account of which said tax had been originally levied and assessed, and shall be collected in the manner provided for the collection of taxes in said cities respectively; *provided, however*, that any person or persons or corporation desiring to have the benefit of this act, shall file his or their petition or petitions therefor within twelve months from the date of the passage of this act; *provided, however*, that nothing in this act shall be held to alter, or affect the right or remedies, at law or in equity, of any person so petitioning, or of such city as they existed at the time of filing said petition, unless settlement shall be actually agreed to and effected; *provided, however*, that this act shall not apply to cities containing less than thirty thousand nor more than one hundred thousand inhabitants; and *provided, further*, that the provisions of this act shall not apply to any tax assessed for the year one thousand eight hundred and seventy-eight.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1879.

CHAPTER CXXXVII.

An Act in relation to the arrears of taxes in cities.

TAXES UNPAID FOR ONE YEAR MAY BE PAID IN BONDS ISSUED IN ANTICIPATION OF TAXES.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That when, in any of the cities of this state taxes shall remain unpaid for the period of one year after the same shall become due and payable, said taxes may be paid in any of the municipal bonds of said city which may have been issued in anticipation of taxes; *provided*, that the bonds issued by any city in anticipation of the collection of the amount of unpaid taxes for which the city had purchased real estate at the sale for said unpaid taxes, shall only be received by any city in lieu of money payments for the taxes so purchased by any city and in anticipation of which said bonds had been issued.

BONDS TO BE RECEIVED AT THEIR FACE OR PAR VALUE.

2. *And be it enacted*, That such bonds shall be received by said city, in lieu of money payments, for said taxes at the par or face value, with the interest accrued thereon.

3. *And be it enacted*, That this act shall be deemed to be a public act, and shall take effect immediately.

Approved March 22, 1881.

CHAPTER XCVI.

A further act concerning cities.

COMMON COUNCIL AUTHORIZED TO FIX BY ORDINANCE TIMES AND DATES OF TAXES REQUIRED, SHALL BE ASSESSED AND COLLECTED, &C.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the common council of any city may fix by ordinance the times and dates within which taxes required by law to be raised in such city, whether state, county, municipal or other taxes, shall be assessed, as well as the times and dates when the same shall become due and within which the same shall be collected, the date of the session of the commissioners of appeal, and the date on which the collector of taxes in said city shall make return of the names of the delinquents in the payment of such taxes, in order to the issue of warrants for the collection of taxes due from such delinquents respectively; and whenever the common council of any city shall so fix such times, dates and periods as aforesaid, all provisions of law affecting such city, so far as they fix such dates, times and periods otherwise, shall be suspended and of no effect so far as concerns such city, during the continuance of such ordinance unrepealed; *provided*, that nothing herein contained shall be construed to authorize the fixing of any date, time or period, as aforesaid, later than the several corresponding dates, times or periods for the assessment, time of falling due, collection, session of the commissioners of appeal and return of delinquents, which are or shall at

any time be, fixed by the general law in respect of townships.

ASSESSMENT AND COLLECTION OF TAXES, HOW, AND BY WHOM ASSESSED AND COLLECTED.

2. *And be it enacted*, That every city shall have full power, through its appropriate officers, to assess and collect its full quotas of state, school and county taxes, and that said taxes shall, in each city, be assessed and collected by the same officers and in the same manner as municipal taxes in such city are or shall be by law directed or authorized to be assessed and collected, respectively, and the names of delinquents in the payment of such taxes shall also, so far as said taxes shall remain unpaid, be returned, with the sums due from such delinquents, respectively, in the same manner, and to the same magistrate, as the names of delinquents in the payment of municipal taxes in such city are by law required to be returned; every assessor and collector who is by law charged with any duty in respect to the assessment or collection of municipal taxes in any city, is hereby empowered and directed to perform the like duties, in respect to the assessment and collection, respectively, of such city's quotas of state, state school and county taxes, and the common council of such city is hereby empowered and directed to exercise the like authority, supervision and control over and in respect to the assessment, collection and enforcement of such city's quotas of state, state school and county taxes, as well as of its taxes for municipal and other local purposes, as township committees of townships are by law empowered to exercise over and in respect to the assessment, collection and enforcement of state, state school and county taxes required to be raised in townships, and any balance

of monies remaining in the hands of the treasurer of any city, derived from the levy of state, state school or county taxes, for any year, shall, after the quota of state, state school and county taxes, due from the taxes of such city for that year, and for all previous years, has been paid in full, be transferred to the general fund, and belong to and be applicable to the general municipal or other purposes of said city.

MAGISTRATE TO ISSUE WARRANT FOR COLLECTION OF UNPAID TAXES.

3. *And be it enacted*, That after the date fixed, pursuant to the provisions of this act, by the common council of any city for the return of the names of delinquents in the payment of any taxes, the magistrate to whom any such return in such city shall have been made, shall thereupon issue his warrant, and, if required, shall issue from time to time successive alias and pluries warrants, for the collection of such taxes, to such officer as shall have been or shall be designated by such common council to receive the same, commanding him to collect such taxes, with the interest and costs by law chargeable thereon, by levy and sale of personal property in like manner as justices of the peace in townships are authorized by law to issue warrants for the collection of taxes in townships, and with the like force and effect; and such common council may at any time revoke the designation of any such officer, and designate another for the like purpose, who shall have the like powers; and the officers to whom any such warrant shall have been issued, is hereby empowered and directed to collect all taxes by such warrant commanded to be collected, whether such taxes be for state, county, municipal or other purposes, and to this end he is empowered and directed to levy upon and sell personal property of delin-

quents, so far as may be necessary to collect the amounts due from them respectively, for such taxes, with the interest and costs by law chargeable thereon, in like manner as is required or authorized by law in respect to or upon similar warrants issued in townships.

RETURN OF NAMES OF DELINQUENTS TO BE MADE BY COLLECTOR.

4. *And be it enacted*, That whenever, by reason of any ambiguity or inconsistency in or misconstruction of existing laws, or for any other reason, no legal return of the names of delinquents, in payment of any taxes now or heretofore due and payable in any city has been made, then and in such case, at any time within six months after the passage of this act, a return of the names of delinquents in the payment of such taxes, with the sums due from them respectively shall be made by the collector for the time being, to the magistrate to whom, by the foregoing provisions of this act, returns are required to be made; *provided*, that the common council of such city shall by resolution so direct and upon the receipt of such return and upon the request of such common council, such magistrate shall issue his warrant and, if required, shall issue from time to time successive alias and pluries warrants for the collection of such taxes, to such officer as shall have been or shall be designated by such common council to receive the same, commanding him to collect such taxes, with the interest and costs by law chargeable thereon, by levy and sale of personal property, in like manner as justices of the peace in townships are authorized by law to issue warrants for the collection of taxes in townships, and with the like force and effect; and such common council may, at any time, revoke the designation of

any such officer, and designate another for the like purpose, who shall have the like powers; and the officer to whom any such warrant shall have been issued, is hereby empowered and directed to collect all taxes by such warrant commanded to be collected whether such taxes be for state, county, municipal or other purposes, and to this end he is empowered and directed to levy upon and sell personal property of delinquents, so far as may be necessary to collect the amounts due from them respectively for such taxes, with the interest and costs by law chargeable thereon, in like manner as is required or authorized by law in respect to or upon similar warrants issued in townships.

POWERS AND DUTIES OF CERTAIN OFFICERS NOT TO LAPSE OR CEASE BY REASON OF EXPIRATION OF TERM OF OFFICE.

5. *And be it enacted*, That the powers conferred, and duties imposed, by law upon any officer, in any city, in respect to the collection or enforcement of taxes in such city, including the power and duty of issuing warrants therefor, shall not lapse or cease to exist by reason of the expiration of his term of office, or by reason of any vacancy which may arise in said office, but all such powers and duties shall, so far as the same shall not have been executed or performed, devolve upon his successor in office, and be executed and performed by such successor; and if at any time within six years previous to the passage of this act, the power to collect and enforce the payment of any taxes in any such city has lapsed or ceased to exist, solely through the expiration of the term of office of any such officer, then, and in every such case, the time to collect such taxes in such city shall be, and hereby is, extended and continued for two years next after the passage of this act, and at any time within

six months after such passage a return of the names of the delinquents in the payment of such taxes, with the sums due from them, respectively, may be made, and warrants issued by and to the same officers or persons, respectively, and in like manner, and with like effect, as is provided in the last preceding section of this act with reference to the making of returns and the issue of warrants in cases of improper, illegal or inadequate returns, or in case of the absence of any returns, by reason of ambiguity or inconsistency or misconstruction of the law.

ACT NOT TO TAKE AWAY OR IMPAIR POWERS OF ANY CITY OR OFFICER CONFERRED BY LAW.

6. *And be it enacted*, That this act shall not take away, or impair any power conferred by law upon and city, or any officer thereof, in relation the assessment, collection or enforcement of taxes, and shall not apply to any city within whose limits state and county taxes are now assessed and collected by officers of a township or townships.

TERMS USED, HOW CONSTRUED.

7. *And be it enacted*, That the term common council, whenever used in this act, shall be construed to mean the legislative body of any city, whether called "common council" or "board of aldermen," or called or known by any other designation.

8. *And be it enacted*, That this act shall be deemed and taken to be a public act, and shall take effect immediately.

Approved March 17, 1882.

CHAPTER CXLVII.

An Act to authorize incorporated cities in the State of New Jersey to adjust and compromise certain past due taxes.

WHEREAS, many vacant lots and unimproved lands within cities in this state have been, prior to the year one thousand eight hundred and seventy-nine, assessed for taxes and sold for non-payment thereof, and certificates of sale therefor are now held by said cities; and that, by reason of the excessive assessments heretofore made on account thereof, and the re-assessments thereon while so held, said cities are unable to obtain the payment of such taxes; therefore, to aid such cities in obtaining settlement of the same.

CITIES AUTHORIZED TO EXAMINE, ALTER, ADJUST, COMPROMISE AND SETTLE CERTAIN PAST DUE TAXES.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the board of aldermen or common council of said cities, respectively, or any committee of said board of aldermen or common council of not less than three in number, for that purpose by resolution appointed, to examine, alter, adjust, compromise and settle all or any unpaid taxes, assessed in said cities, respectively, on account of vacant lots and unimproved lands therein, prior to the year one thousand eight hundred and seventy-nine, which have been sold for the non-payment thereof, and certificates of sale therefor have been given to, and are now held

by said cities, respectively, in such manner as may be equitable and just.

2. *And be it enacted*, That any person or corporation having an interest in any such vacant lots or unimproved lands, and desiring to redeem the same, or any part thereof, may present to said board of aldermen or common council of said city in which such past due tax or taxes exist, a petition, therein praying for a compromise and settlement for any such past due taxes, and thereupon it shall become the duty of such board of aldermen or common council, or any committee thereof duly appointed by said board of aldermen or common council, to examine such past due taxes and to alter, adjust, compromise and settle the same as shall be equitable and just; and when the same shall be so done it shall be final and conclusive between every such person or corporation so petitioning for the same, and any said city in which such past due taxes shall have been so altered, adjusted, compromised and settled.

PROCEEDINGS OF BOARD TO BE SIGNED BY PRESIDING OFFICER AND FILED.

3. *And be it enacted*, That the proceedings of the said board of aldermen or common council, or the duly appointed committee thereof, shall be signed by the presiding officer of such board of aldermen or common council, if had before them, or, if before a committee thereof, as herein authorized, then by the said committee, or a majority of them, and filed in the office of the officer of the said city in which such proceedings shall be held, with whom such tax was filed before such alteration, adjustment, compromise and settlement; *provided, however*, that any person or corporation desiring to have the

benefit of this act shall file petition therefor within twelve months from the date of the passage of this act.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 28, 1882.

CHAPTER CXXXII.

An Act concerning unexpended balances of taxes collected in cities.

LAWFUL TO CARRY FORWARD UNEXPENDED BALANCE OF TAXES, &C.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the council or other legislative body of any city in this state to transfer and carry forward by ordinance any unexpended balance or balances of taxes that have been or may be levied in any city for any purpose, and appropriate the same to the payment in subsequent years of expenses for objects similiar to those for which such taxes were levied, or to the payment of any expense or existing indebtedness for which the city is authorized to levy taxes; *provided*, that said ordinance shall state the amount so carried forward and the specific object or objects or fund to which the same is to be appropriated, and such balances so transferred and carried forward shall be used and applied exclusively for the purposes mentioned and prescribed in the said ordinance. Said ordinance shall not be passed until after the close of the fiscal year in which such taxes were levied.

ACT NOT TO BE CONSTRUED TO INCREASE LIMIT OF TAXATION.

2. *And be it enacted*, That nothing in this act shall be construed to increase the limit of taxation in any city, but the amount so carried forward shall be

taken and considered as part of the amount of the tax levy authorized to be made in the year to which the same is applied; and no such ordinance shall be passed or adopted to carry forward or transfer any taxes whether collected or not that have been or may be pledged to secure any loan or in anticipation of the collection of which any loan has been or may be made until such loans are paid.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 25, 1885.

CHAPTER XII.

An Act relative to interest on arrears of taxes and assessments in the cities of this state.

WHEN TAXES OR ASSESSMENTS MAY BE PAID.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That at any time after the passage of this act any person or persons may pay to the collector of taxes, or person authorized to receive the same, in any city in this state, the amount of any tax or assessment due upon any real estate belonging to such person or persons, with interest thereon at the rate of seven per centum per annum, to be calculated from the time interest is properly chargeable thereunto to the time of payment, together with the actual expenses theretofore incurred by such city for the enforcement and payment of such taxes or assessments, and of all penalties added thereto by virtue of any existing law (except as hereinafter provided,) and the collector of taxes, or person authorized to receive the same, shall deliver to the person or persons making such payment a receipt therefor, and cancel the record of such tax or assessment; upon such payment the same shall cease to be a lien upon the real estate or property, and shall be deemed to be paid and satisfied, and there shall be no right to any further interest or penalty by reason of such tax or assessment not having been paid within the time allowed by law, except as hereinafter provided; *provided, however*, that nothing in this act shall authorize the receipt under its provisions of any such tax or assessment in cases where land and real estate have

been sold for taxes or assessments and bought in by any other person than the city in which such taxes or assessments are laid, or some officer for the use of such city, nor shall any lien on real estate for such tax or assessment be released or affected, or any sale of real estate for taxes or assessments, or a delivery of such certificate or declaration of sale, or deed therefor, be stayed by anything contained in this act.

ACT NOT TO BECOME OPERATIVE UNTIL AUTHORIZED BY COMMON COUNCIL OR OTHER GOVERNING BODY.

2. *And be it enacted*, That this act shall not become operative in any of the cities of this state until the common council, or other governing body having charge of the finances of such city, shall, by resolution, authorize the collector of taxes, or other person authorized to receive the same, to receive and receipt for the same under the provisions of this act.

AMOUNT OF INTEREST TO BE CHARGED UPON UNPAID TAXES LEVIED DURING THE YEAR 1885.

3. *And be it enacted*, That in all cases in which the taxes levied during the year one thousand eight hundred and eighty-five, or at any time thereafter, remain unpaid and in arrears for more than six months after the same have been returned to the collector or other officer for collection, interest thereon shall be charged in all cases at the rate of ten per centum per annum from the time the same became due and payable up to the date at which the property upon which the same is a lien shall be sold therefor, and no deduction shall in any case be made therefrom by any officer, board or other governing body.

4. *And be it enacted*, That all acts and parts of

acts inconsistent with this act be and the same are hereby repealed, and that this act shall take effect immediately.

Approved February 9, 1886.

CHAPTER CXLVI.

A supplement to an act entitled "An act exempting from taxation persons who served in the military or naval forces of the United States during the late war," approved February twenty-first, one thousand eight hundred and eighty-four.

POLL TAX FOR SCHOOL PURPOSES NOT TO BE ASSESSED ON SOLDIERS OR SAILORS.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter a poll tax for school purposes shall not be assessed upon any person who served in the military or naval forces of the United States during the late war and who received an honorable discharge.

2. *And be it enacted*, That all acts and parts of acts inconsistent with this act be and the same are hereby repealed, and that this act shall take effect immediately.

Approved April 21, 1887.

CHAPTER X.

An Act to amend an act entitled "A further supplement to an act entitled 'An act concerning taxes,' approved April fourteenth, one thousand eight hundred and forty-six," which supplement was approved April twenty-third, one thousand eight hundred eighty-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section four of the said act be amended so as to read as follows:

4. *And be it enacted*, That all honorably discharged soldiers or sailors resident in this state who have served in the army or navy of the United States during the late rebellion or during the war of one thousand eight hundred and twelve, and the widows of such soldiers or sailors, so long as they remain unmarried, shall be exempt from general and special poll tax, and from state, county and municipal taxation upon real or personal property, or both, not exceeding in the aggregate five hundred dollars.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 3, 1890.

CHAPTER CLI.

An Act relating to the sale of lands for unpaid taxes and assessments in cities of this state and proceedings in reference thereto.

DECLARATIONS OR CERTIFICATES OF SALE TO BE PRIMA FACIE EVIDENCE, &C.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all actions proceedings in any court of this state wherein the title to any land or real estate heretofore sold in any city of this state for unpaid taxes or assessments, shall come in question, the declaration or certificate of sale made or issued by the municipal officer or authority of such city making such sale, shall be prima facie evidence that all acts necessary to the validity of such sale have been regularly and legally done and performed.

DECLARATIONS OR CERTIFICATES OF SALE HEREAFTER ISSUED TO BE EVIDENCE IN ALL COURTS, &C.

2. *And be it enacted*, That hereafter, whenever in any city of this state any lands or real estate is or shall be sold for unpaid taxes or assessments the officer whose duty it is by law to make such sale shall make, or procure to be made, executed and delivered to the purchaser of such land or real estate at such sale, his executor, administrator or assigns, a declaration or certificate of sale, describing therein the said lands or real estate so sold, which declaration or certificate of sale shall be signed and ex-

ecuted as now required by law, and such declaration or certificate of sale executed as aforesaid, shall be presumptive evidence in all courts in all actions or proceedings by or against such purchaser or purchasers, his, her or their legal representatives or assigns of the title of such purchaser or purchasers to the said lands or real estate in such declaration or certificate of sale designated, and of the regularity and validity of all proceedings previously had in reference to said sale.

3. *And be it enacted*, That this act shall take effect immediately.

Approved April 21, 1887.

CHAPTER LXVII.

An Act providing for the taxation of property in cities, villages, boroughs, townships or other municipal corporations in this state, in cases where the assessor or assessors of the same have or may omit or neglect to assess the same for taxes, or have or may assess such property at too low a valuation and the commissioners of appeal in cases of taxation have met and adjourned.

1. Be it enacted *by the Senate and General Assembly of the State of New Jersey*, That where in any city, village, borough, township or other municipal corporation of this state the assessor has neglected or omitted to assess for taxes for the current fiscal year of such city, village, borough, township, or other municipal corporation which is liable to taxation, or where such assessor or assessors has or have or may hereafter assess such property which is liable to taxation at too low a valuation, or may neglect or omit to assess the same and the commissioners of appeal in cases of taxation have met and adjourned without having received complaint of any such neglect, valuation or omission, it shall be lawful for the city council, board of aldermen, township committee or other governing body of such city, village, borough, township or other municipal corporation, or the corporation attorney therof, to file with the commissioners of appeal a complaint in writing, setting forth the property so omitted or neglected to be assessed, or which has or may be assessed at too low a valuation, and the name or names of the owner or owners of such property, if known, and requesting such com-

missioners to convene and take such action thereon as may be authorized by this act or in any other statute of this state, provided that complaint of such neglect, valuation or omission shall be filed with said commissioners within one year from the time that such taxes become or should become a lien.

2. *And be it enacted*, That within five days after receiving such complaint the said commissioners of appeal shall, by writing under their hands, designate the time and place when and where the said commissioners will meet to consider the matters embraced in such complaint, said time to be not more than twenty days after the time of receiving such complaint, and shall within the time aforesaid, file such written designation with the clerk of the city, village, borough, township or other municipal corporation.

3. *And be it enacted*, That such clerk shall, immediately after the filing with him of the written designation aforesaid, give public notice of the time and place and of the object of the meeting of the commissioners of appeal, by posting written or printed notices thereof in at least six of the most public places in said city, village, borough, township or other municipal corporation, or by publishing such notice in a newspaper printed and published or circulating in such city, village, borough, township or other municipal corporation at least eight days prior to the time and place appointed for such meeting, and shall also cause to be served copies of such notice upon the owner or owners of such property, or any part thereof set forth on the said complaint, personally, at least eight days prior to the time appointed for such meeting; *provided, however*, that no assessment made under the provision of this act shall be held to be invalid or shall be set aside for

or by reason of any mistake in the name or names of such owner or owners.

4. *And be it enacted*, That at the time and place designated as aforesaid the commissioners of appeal shall meet and shall have and exercise all the powers conferred upon commissioners of appeal in and by the act entitled "An act concerning taxes" [Revision] approved April fourteenth, one thousand eight hundred and forty-six, and the several supplements thereto, and shall ascertain and determine whether or not the property mentioned and set forth in complaint, or any part thereof, has not been assessed, or has been assessed at too low a valuation, and that the same ought to have been assessed, or differently assessed, by the assessor or assessors of such city, village, borough, township or other municipal corporation, then said commissioners shall make a just valuation and assessment of taxes of and upon such property, and shall file the same with the collector of such city, village, borough, township or other municipal corporation.

5. *And be it enacted*, That any tax levied, assessed or imposed as aforesaid shall be a lien upon the property upon which it is so assessed, levied or imposed for the period that the taxes of such city, village, borough, township or other municipal corporation are made a lien by the laws governing the same, and such tax may be collected and the payment thereof enforced in the manner provided by law for the collection and enforcement of taxes therein.

6. *And be it enacted*, That this act shall be deemed a public act, and take effect immediately.

Approved March 24, 1890.

CHAPTER LXXIII.

An Act in relation to the assessment and revision of taxes by boards of assessment and revision of taxes in the cities of this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the common council or other governing body in the cities of this state by ordinance to regulate and fix the time within which statements of the taxable property shall be made and delivered to the taxing authorities therein, and the time during which the board of appeal in cases of taxation shall sit as such boards to hear and determine appeals in such cases.

2. *And be it enacted*, That such board shall assess all persons coming, or property brought within any such city, on or before the third Wednesday in July of any year, from any foreign state, or from any other taxing district in this state, unless it shall be made to appear to the satisfaction of such boards that such persons and property have been assessed for taxes in this state within the year such assessments may be made, and such assessment has been paid; any person assessed or whose property may be assessed under this section may appeal to such board at its meeting held on the second Monday in September, from the assessment so made.

3. *And be it enacted*, That all acts or parts of acts inconsistent with this act be and the same are

hereby repealed, and that this act shall take effect January first, one thousand eight hundred and ninety-one.

Passed March 25, 1890.

CHAPTER CLXXXIV.

A supplement to an act entitled "An act concerning taxes," approved April fourteenth, one thousand eight hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where in any city of this state, maps and books are prepared for the assessment of property by wards, any change made in the ward lines different from those indicated and shown by such maps and books shall in nowise affect the assessment and collection of taxes therein, but for all purposes of taxation the ward lines shall exist as heretofore, until such books and maps may be changed by the officer or officers having charge thereof.

2. *And be it enacted*, That this act shall take effect immediately.

Approved May 5, 1890.

ACTS

RELATING TO

ASSESSMENTS.

Assessments.

CHAPTER CCCLV.

A further supplement to an act entitled "An Act to incoporate the city of Hoboken," approved March twenty-eight, eighteen hundred and fifty-five.

LOTS ASSESSED BY MISTAKE.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases where any two or more lots of land situate in said city of Hoboken, owned by two or more individuals, have been or hereafter may be, by mistake or otherwise, assessed for the costs and expense of any improvement or taxes as if such lots constituted one lot only, it shall be lawful for the mayor and council of the city of Hoboken, by resolution, to make a fair, just and equitable apportionment of said assessments or taxes among such several lots, which have been or may be assessed as one lot, and to declare how much of such assessments or taxes should have been assessed upon each of such lots respectively, and the sum which said mayor and council shall so declare should have been assessed upon each of said lots, shall be and remain a lien on such lots respectively, until the same is paid as fully as if no such error had been made in such original assessment; and thereupon any of such lots may be relieved from such lien, or in case the some have been sold for non-payment of said assessments or taxes, may be redeemed within the time allowed by law by payment of the

sum so declared to be a lien thereon, together with the interest, cost and expenses, which may have accrued thereon; *provided*, that the right of the owner or owners of said lands to appeal to the courts from the award of the said mayor and council, shall not in anywise be altered or abridged.

OWNERS TO BE NOTIFIED OF MEETING.

2. *And be it enacted*, That before proceeding to divide and apportion any such assessments or taxes as mentioned in the preceding section of this act, the several owners of such lots shall be notified, in writing, of the time and place when and where the council or some appropriate committee thereof will meet to consider the matter of making such division and apportionment, to the end that the parties interested therein, may be heard before said council or committee, which notice shall be served personally upon such owners as can be found in said city of Hoboken, at least five days before the time fixed for said meeting, and upon such owners as cannot be found in said city by publishing said notice in one or more of the newspapers published and circulating in said city, for at least ten days before the time fixed for said meeting.

3. *And be it enacted*, That all acts and parts of acts inconsistent with this act, be and the same are hereby repealed, and that this act shall take effect immediately.

Approved March 26, 1872.

CHAPTER DCXXIII.

A supplement to an act entitled "An act to incorporate the city of Hoboken," approved March twenty-eighth, one thousand eight hundred and fifty-five.

WHEREAS, the owners of lands situate in the city of Hoboken and in the township of Weehawken, heretofore petitioned the mayor and council of the city of Hoboken to improve Fifteenth street, from the westerly line of Meadow street to the foot of the hill, and in pursuance of said petition the said the mayor and council of the city of Hoboken passed an ordinance authorizing said improvement to be made; and whereas, the said improvement has been made, and the said the mayor and council of the city of Hoboken, have become liable to pay the costs and expenses of doing said work on said street; and whereas, it has been suggested that the said ordinance is irregular and illegal, for the reason that a small portion of the said street improved as aforesaid lies beyond the corporate limits of the city of Hoboken, that is to say, in the townships of Weehawken and West Hoboken; therefore,

ORDINANCE DECLARED TO BE LEGAL AND BINDING.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That a certain ordinance entitled "An ordinance to provide for street improvements on Fifteenth street, from the westerly line of Meadow street to the foot of the hill," passed by the said the mayor and council of the city of Hoboken on the twenty-first day of September, one

thousand eight hundred and sixty-nine, and approved by the mayor of said city on the twenty-second day of September, one thousand eight hundred and sixty-nine, be and the same is hereby ratified, confirmed and declared to be legal, valid and binding, and that all contracts and proceedings had, done, performed and taken, under and in pursuance of said ordinance, shall be as legal, valid and binding as if said ordinance had been in all respects regular at the time of its passage.

EQUITABLE PROPORTION OF COSTS AND EXPENSES OF IMPROVEMENT TO BE ASSESSED ON LOTS BENEFITED.

2. *And be it enacted*, That the commissioners of assessments of the city of Hoboken are hereby authorized and empowered to assess a just and equitable proportion of the costs and expenses of said improvement upon lots benefited thereby, though situate in the township of Weehawken or West Hoboken, and that the collector of revenue is hereby authorized to collect and receive the said assessments, and that the same shall be a lien upon the lands assessed until paid; *provided, nevertheless*, that a copy of the report of the commissioners of assessments shall be filed in the clerk's office of the township of Weehawken, and in the clerk's office of the township of West Hoboken.

3. *And be it enacted*, That this act shall take effect immediately.

Approved April 4, 1873.

CHAPTER CLXXXIII.

An Act respecting assessments in cities.

COST AND EXPENSES OF STREET AND SEWER IMPROVEMENTS TO BE ASSESSED UPON LOTS, &C., IN PROPORTION TO BENEFIT RECEIVED.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter in assessing the costs and expenses of street and sewer improvements in any city in this state, the commissioners of assessment in every city, or such city surveyor, person or other persons, as are or may be authorized by law in any city to make an assessment for such improvements, shall in the respective cities for which such commissioners of assessment, city surveyor, person or other persons are or may be lawfully appointed to make assessments, assess the cost and expense of all street and sewer improvements upon the land and real estate benefited by such improvements, and in proportion to the benefits thereby received, in making which said assessment hereby authorized for street or sewer improvements in any city of this state, the same shall be made and assessed upon the several lots or parcels of land benefited by such improvement in proportion to the benefit received by each one of said lots or parcels of land, and no lot or parcel shall be assessed more than it is benefited; *provided*, that if the total cost and expense of an improvement exceed the aggregate amount of assessable benefits then only so much of said cost and expense as equals the aggregate amount of such benefits shall be so assessed and the

remainder of such cost and expense shall be borne by the city at large and paid in the manner provided by law.

2. *And be it enacted*, That this act shall be a public act and take effect immediately.

Approved April 21, 1876.

CHAPTER CCV.

An Act relating to re-assessments of benefits in cities.

PROCEEDINGS WHERE ASSESSMENTS HAVE BEEN SET ASIDE BY COURT OF REVIEW.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where any assessment for benefits for local improvement heretofore made or hereafter to be made in any city of this state, has been or shall be set aside only as to the prosecutor or prosecutors of any writ or writs of certiorari by any court of review the common council of said city shall ascertain and estimate the amount of the assessment or assessments so set aside, together with the lawful interest accrued thereon, and the costs and expenses of a new assessment, and thereupon a new assessment shall be made by commissioners appointed by the circuit court of the county in which such city is situated; in conformity with the provisions of any existing law of this state; and in making such reassessment the person or persons authorized to make the same shall assess upon all the owners of the lands and real estate peculiarly benefited by said improvement an amount of the assessment so set aside which is equal to the amount of benefit actually received by said lands and real estate proportioned as nearly as may be to the benefit each owner thereof shall be deemed to acquire, and the balance of said assessment so set aside and remaining unassessed shall be assessed upon and paid by the said city, and said person or persons authorized to make said reassess

ment shall proceed in all respects as provided in respect to the original assessment; but in making such reassessment any tracts of land and real estate originally asssessed for the benefit of said improvement, and the original assessment upon which shall not have been set aside, shall not be liable to be reassessed.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 21, 1876.

CHAPTER XII.

An Act relating to the refunding, by municipal corporations in this state, of moneys paid to said corporations by owners of property for assessments for benefits for local improvements, in certain cases.

WHEREAS, large numbers of assessments for local improvements in different cities of this state have been heretofore, and may be hereafter, entirely or partially set aside by the courts of this state having jurisdiction thereof, or other competent authority, by reason of defects in the laws under which said assessments were made, or for other cause, or have been illegally made; and whereas, in many instances considerable sums of money have been, and may be hereafter, paid by the owners of property assessed for said improvements to the proper receiving officers of said cities, which sums of money said cities may be legally liable to refund to said owners so paying said assessments heretofore set aside or that may be hereafter set aside as aforesaid, or that may have been illegally made; and whereas, great and unnecessary embarassment will arise to said cities, and the taxpayers thereof, if said cities are compelled to refund at once to said persons so paying or having paid, as aforesaid, the said moneys assessed for said improvements, and it is therefore desirable and proper that said cities should be authorized to delay repayment of said money until such a time as re-assessments for benefits for said local improvements may be made, in conformity with existing

laws, provided said re-assessments are made within a reasonable time, and to set-off as against such repayment the amount of any such re-assessment made for benefits for said local improvements therefore,

ILLEGAL ASSESSMENTS TO BE REFUNDED.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases where assessments for benefits for local improvements in the cities of this state have been, or may hereafter be, set aside by the courts of this state, or other competent authority, by reason of defects in the laws under which said assessments were or shall be made, or for other cause, or have been made under the provisions of any law of this state which provisions have been declared by the courts thereof to be unconstitutional and void, and owners of property assessed for said improvements have paid, or may hereafter pay, to said municipal corporations, the sums of money so assessed against them for benefits for local improvements, or part thereof; the moneys so as aforesaid paid by any owner, assessed as aforesaid, who shall now be legally entitled to recover the amount paid as aforesaid, shall be refunded by said municipal corporations so receiving the same; but the refunding and collection of said sums of money paid for assessments for said local improvements, and the further prosecution of any suits now pending to recover such sums of money, shall be stayed add delayed until such time as a re-assessment for benefits for said local improvements shall have been made by commissioners or other persons lawfully appointed and authorized to make the same; *provided*, however, that interest upon the sums of money so paid as aforesaid for assessments for local improvements set aside or illegally made as aforesaid

shall be collected on final settlement from said municipal corporations to the extent and no further that said parties would now be entitled to recover the same up to the time of final adjustment; *and provided, further*, that where assessments for benefits for local improvements have been heretofore set aside for the causes aforesaid, or have been illegally assessed as aforesaid, said re-assessment for said improvements shall be made and completed within two years from and after the passage of this act; and, in cases where assessments for benefits for local improvements shall be hereafter set aside for the causes aforesaid, said re-assessments for said improvements shall be made and completed within two years from the date of the setting aside of said assessments; *and provided further*, that nothing in this act contained shall effect in any way the validity of any assessment or re-assessment for benefits for local improvements heretofore made; but in cases where said re-assessments are made and completed prior to the time limited in this act for the refunding of said moneys, the said moneys so as aforesaid paid shall become due and payable at once upon the ratification of said re-assessments, and shall be applied in settlement of said re-assessments; and said re-assessment, with legal interest thereon from the time the said re-assessment is confirmed, shall be a lawful set-off by the said municipal corporation as against the amount legally recoverable by the person entitled to recover any money paid on any such original assessment, set aside or void as aforesaid, and the same may be pleaded in any action that is now or may hereafter be, pending at any time after such re-assessment is made and confirmed as aforesaid; *and provided further*, that if any writ of certiorari be granted to review any such re-assessment, or part thereof, the time to plead the

set-off by said municipal corporation shall be extended until after the final determination of said certiorari.

ACT APPLICABLE TO PENDING SUITS.

2. *And be it enacted*, That the provisions of this act are hereby declared to be applicable to all suits now pending in any court of this state for the collection of moneys paid by any owner of property, or other person representing said owner, for assessments for benefits for local improvements which have been heretofore set aside as aforesaid; *provided however*, that all costs incurred by the plaintiffs in such suits, at the time of the passage of this act, shall be paid by the respective defendants therein.

MONEY REFUNDED MAY BE APPLIED TO OTHER ASSESSMENTS.

3. *And be it enacted*, That any person claiming from any city the repayment of any money paid by him or his assignor for such assessment may give notice in writing to said city of his desire that such money be applied by said city to cancel or reduce the indebtedness of said person to said city upon any other assessment, and thereupon said city shall apply any balance found due to the person giving such notice upon the re-assessment and adjustment in this act directed for the purposes specified in such notice; and the application of such balance upon the assessments specified in such notice shall be considered as made at the time of the receipt of such notice by said city.

3. *And be it enacted*, That this act shall take effect immediately.

Passed February 27, 1877.

CHAPTER XXXIX.

A further act in relation to assessments in cities.

WHEN ASSESSMENTS MAY BE VACATED AND SET ASIDE BY RESOLUTION, &C.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever the costs, damages and expenses of any improvement other than for the laying of sidewalks in any city in this state have been assessed wholly upon the line of such improvement, or wholly upon the owners of the lands along such line, the common council, or other legislative body, of such city, or any commissioners of streets and sewers in said city or the board of finance and taxation in any city where such board exists, may vacate, and set aside by resolution all the proceedings in relation to such void assessment; and in order to provide for the payment of the costs, damages and expenses of such improvement, an assessment of such costs, damages and expenses may be levied by the officers of such city, or any commissioners in said city, qualified by law to make such assessments in the first instance at any time within two years from and after the passage of this act; and in making such assessment the person or persons authorized to make the same shall assess upon all the tracts or lots of land and real estate benefited by such improvement such proportion of such costs, damages and expenses as will be equal to the amount of benefits actually acquired by said lands and real estate from such improvement, proportioned equitably to the benefit each of such

tracts or lots shall be deemed to acquire; and the balance of such costs, damages and expenses, if any remaining unassessed, shall be a debt upon and paid by such city out of moneys provided for that purpose by the legal authorities of such city according to the provisions of any law of this state.

RE-ASSESSMENT MAY BE VACATED AND SET ASIDE.

2. *And be it enacted*, That any assessment for any improvement, other than for the laying of sidewalks, or such as are mentioned in the first section of this act, whether the same has been confirmed by such city council or other legislative body or any other board in said city or not, or commissioners in said city, may be vacated and set aside by such legislative body, or commissioners of streets and sewers, or said board of finance and taxation in cities where such board exists, by resolution, and a re-assessment made as if such assessment so vacated had never been made; *provided*, that no such assessment shall be so set aside after the whole assessment for the improvement shall have been paid.

PROVIDING FOR REBATE OF ASSESSMENTS.

3. *And be it enacted*, That where any assessment for any improvement, except the laying of sidewalks, which has been heretofore made, or shall hereafter be made, in any such city, shall be in the judgment of the commissioners of the sinking fund of such city, if there be any, or, if there be none, then of the city council or other legislative body thereof, or of any commissioners of streets and sewers in said city, or of the board of finance and taxation in cities where such board exists, greater than the benefits conferred upon the lands assessed by the improvement for which the assessment is made, such sinking fund

commissioners or legislative body, or commissioners of streets and sewers, or such board of finance and taxation, as the case may be, may agree with any or all of the owners of lands so assessed for a rebate of such assessments either from the specific assessments upon such lots respectively, or by a rebate of a certain percentage from the whole of such assessment, which rebate shall be authorized by a resolution of such sinking fund commissioners, or legislative body, or commissioners of streets and sewers, or by said board of finance and taxation in cities where such board exists, as the case may be, to be approved by the mayor or other chief executive officer of such city in cases in which the rebate shall be authorized by such legislative body, or commissioners of streets and sewers in said city, or such board of finance and taxation ; and in cases in which it shall be authorized by such sinking fund commissioners or said board of finance and taxation to be approved both by such chief executive officer and by the legislative body of such city, or commissioners of streets and sewers in said city, or by said board of finance and taxation, by the votes of a majority of such body or board ; and the said sinking fund commissioners, or said board of finance and taxation, if there be any, or, if there be none, such legislative body or such commissioners of streets and sewers may agree on the part of such city with the owner or owners of any land so assessed for the payment or composition of any such assessments, which agreements shall in all cases be approved in like manner as such resolutions authorizing a rebate of any assessment, and all such agreements shall be good and effectual in law between the parties thereto.

CITY MAY SELL LANDS AT PUBLIC AUCTION, WHEN TIME FOR REDEMPTION HAS EXPIRED.

4. *And be it enacted*, That in all cases in which any lands have been sold by any city to raise and pay any assessments or taxes levied upon the same, and such city has bought such lands at such sales, and the time for the redemption of the same from the effect of such sales under the provisions of the charter of such city has expired, the common council or other legislative body of such city, or said board of finance and taxation in cities where such board exists, may authorize the sale at public auction of all the estate of such city in such lands; and upon such sale being made, a deed of conveyance of such estate shall be executed to the purchaser under the signature of the mayor or chief executive officer and the seal of such city, to be attested by the clerk of such city as a subscribing witness; *provided*, that no such sale shall be had until the same shall have been advertised four weeks in one newspaper published and circulating in such city once in each week.

5. *And be it enacted*, That this act shall take effect immediately.

Approved March 7, 1877.

CHAPTER CXVI.

An Act to amend an act entitled "A further act in relation to assessments in cities," approved March seventh, eighteen hundred and seventy-seven.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the first, second and third sections of the act to which this is a supplement, which are in the following words:

SECTION OF ACT NOT TO APPLY RECITED.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever the costs, damages, and expenses of any improvement other than for the laying of sidwalks in any city in this state have been assessed wholly upon the line of such improvement, or wholly upon the owners of the lands along such line, the common council, or other legislative body, of such city, or any commissioners of streets and sewers in said city, or the board of finance and taxation in any city where such board exists, may vacate and set aside by resolution all the proceedings in relation to such void assessment; and in order to provide for the payment of the costs, damages and expenses of such improvement, an assessment of such costs, damages and expenses may be levied by the officers of such city or any commissioner in said city qualified by law to make such assessments in the first instance at any time within two years from and after the passage of this act; and in making such assessment the person or persons authorized to make the same shall assess upon all the tracts or lots of land and real estate benefited by

such improvement such proportion of such costs, damages and expenses as will be equal to the amount of benefits actually acquired by said lands and real estate from such improvement, proportioned equitably to the benefit each of such tracts or lots shall be deemed to acquire; and the balance of such costs, damages and expenses, if any remaining unassessed, shall be a debt upon and paid by such city out of moneys provided for that purpose by the legal authorities of such city, according to the provisions of any law of this state.

RECITAL CONTINUED.

2. *And be it enacted*, That any assessment for any improvement, other than for the laying of sidewalks, or such as are mentioned in the first section of this act, whether the same has been confirmed by such city council or other legislative body, or any other board in said city or not, or commissioners in said city, may be vacated and set aside by such legislative body or commissioners of streets and sewers in said city, or said board of finance and taxation in cities where such board exists, by resolution, and a re-assessment made as if such assessment so vacated had never been made; *provided*, that no such assessment shall be so set aside after the whole assessment for the improvement shall have been paid.

RECITAL CONTINUED.

3. *And be it enacted*, That where any assessment for any improvement, except the laying of sidewalks, which has been heretofore made, or shall hereafter be made, in any such city, shall be in the judgment of the commissioners of the sinking fund of such city, if there be any, or, if there be none, then of the city council or other legislative body

thereof, or any commissioners of streets and sewers in said city, or of the board of finance and taxation in cities where such board exists, greater than the benefits conferred upon the lands assessed by the improvement for which the assessment is made, such sinking fund commissioners or legislative body, or commissioners of streets and sewers, or such board of finance and taxation, as the case may be, may agree with any or all of the owners of lands so assessed for a rebate of such assessments, either from the specific assessments upon such lots respectively, or by a rebate of a certain percentage from the whole of such assessment, which rebate shall be authorized by a resolution of such sinking fund commissioners or legislative body, or commissioners of streets and sewers in said city, or by said board of finance and taxation in cities where such board exists, as the case may be, to be approved by the mayor or other chief officer of such city in cases in which the rebate shall be authorized by such legislative body, or commissioners of streets and sewers in said city, or such board of finance and taxation, and in cases in which it shall be authorized by such sinking fund commissioners, or said board of finance and taxation, to be approved both by such chief executive officer and by the legislative body of such city, or commissioners of streets and sewers in said city, or by said board of finance and taxation by the votes of a majority of such body or board; and the said sinking fund commissioners, or said board of finance and taxation, if there be any, or, if there be none, such legislative body, or such commissioners of streets and sewers, may agree on the part of such city with the owner or owners of any land so assessed for the payment or compensation of any such assessments, which agreements shall in all cases be approved in like manner as such resolutions authorizing a rebate of any assessment, and

all such agreements shall be good and effectual in law between the parties thereto," shall not extend or apply to any assessment acted upon, made or determined by virtue of the act entitled "An act to adjust unpaid assessments in Jersey City," approved March twenty-sixth, eighteen hundred and seventy-three, nor to any assessment acted upon, made or determined by virtue of an act entitled "An act to adjust unpaid assessments in the city of Paterson," approved April ninth, eighteen hundred and seventy-five.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 9, 1877.

CHAPTER CXX.

An Act relating to the refunding, by commissioners of streets and sewers, or any other commissioners in any city in this state, of moneys paid to any such commissioners by owners of property for assessments, for benefits, for local improvements, where said assessments have been subsequently set aside.

WHEREAS, large numbers of assessments for local improvements in different cities of this state have been heretofore, and may be hereafter, entirely set aside by the courts of this state having jurisdiction thereof, or other competent authority, by reason of defects in the laws under which said assessments were made, or for other cause, or have been illegally made; and whereas, in many instances considerable sums of money have been, and may be hereafter, paid by the owners of property assessed for said improvements to commissioners of streets and sewers in said cities, which sums of money said cities or said commissioners may be legally liable to refund to said owners so paying said assessments heretofore set aside; or that may be hereafter set aside as aforesaid; and whereas, great and unnecessary embarrassment will arise to said cities, and the taxpayers thereof, if said cities or said commissioners are compelled to refund at once to said persons so paying or having paid, as aforesaid, the said moneys assessed for said improvements, and it is therefore desirable and proper that said cities or said commissioners, as the case may be, should be authorized to delay

repayment of said money until such time as re-assessments for benefits for said local improvements may be made in conformity with existing laws, provided said re-assessments are made within a reasonable time; therefore.

MONEY PAID ON ILLEGAL ASSESSMENTS TO BE REFUNDED.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases where assessments for benefits for local improvements in the cities of this state have been, or may hereafter be set aside by the courts of this state, or other competent authority, by reason of defects in the laws under which said assessments were or shall be made, or for other cause, or have been made under the provisions of any law of this state, which have been declared by the courts thereof to be unconstitutional and void, and owners of property assessed for said improvements have paid, or may hereafter pay, to commissioners of streets and sewers in any city the sums of money so assessed against such owners or their real estate for benefits for local improvements, or part thereof, the moneys so as aforesaid paid by any owner assessed as aforesaid, who shall be legally entitled to recover the amount paid as aforesaid, shall be refunded by said commissioners so receiving the same; but the refunding and collection of said sums of money paid for assessments for said local improvements shall be stayed and delayed until such time as a re-assessment for benefits for said local improvements shall have been made by such commissioners or by other commissioners or other persons lawfully appointed and authorized to make the same; *provided, however*, that interest upon the sums of money so paid as aforesaid for assessments for local improvements set

aside as aforesaid, shall be collected on final settlement from said commissioners at the rate of seven per centum per annum, from the date of the payment of said assessments up to the time of final adjustment; *and provided further*, that where assessments for benefits for local improvements have been heretofore set aside for the causes aforesaid, or have been illegally assessed as aforesaid, said re-assessment for said improvements shall be made and completed within two years from and after the passage of this act; and in cases where assessments for benefits for local improvements shall be hereafter set aside for the causes aforesaid, said re-assessments for said improvements shall be made and completed within two years from the date of the setting aside of said assessments; *and provided, further*, that nothing in this act contained shall effect in any way the validity of any re-assessment for benefits for local improvements heretofore made; but in cases where said re-assessments are made and completed prior to the time limited in this act for the refunding of said moneys, the said moneys so as aforesaid paid shall become due and payable at once upon the ratification of said re-assessments, and shall be applied in settlement of said re-assessments, and the balance, if any, in favor of the person, so paying, refunded.

ACT APPLICABLE TO PENDING SUITS.

2. *And be it enacted*, That the provisions of this act are hereby declared to be applicable to all suits now pending in any court of this state for the collection of moneys paid by any owner of property, or other person representing said owner, for assessments for benefits for local improvements which have been heretofore set aside as aforesaid; *provided, however*, that all costs incurred by the plain-

tiffs in such suits, at the time of the passage of this act, shall be paid by the respective defendants therein.

5. *And be it enacted*, That this act shall take effect immediately.

Approved March 9, 1877.

CHAPTER CLXXII.

An Act creating a sinking fund for the payment of certain assessments in cities.

SPECIAL TAX AUTHORIZED WHEN AMOUNT ASSESSED IS LESS THAN TOTAL COST OF IMPROVEMENTS.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases where any commissioners of assessments, board of assessors or other persons having the power or authority by any act or acts of the legislature of this state to assess the costs, damages and expenses of any improvement upon lands, or upon the owner or owners of lands benefited by such improvement, shall assess, or have assessed, upon the same an amount less than the total cost of any improvement, it shall be lawful for the city council, board of aldermen, township committee or other corporate authority of any city, town, township or incorporated place, and they are hereby required to raise, by special tax, the amount of interest accruing and to accrue in each year upon the amount of the total cost of such improvement not specially assessed upon the lands, or upon the owner or owners of the lands, benefited by said improvement, whenever the same or any part thereof be in the form of permanent or temporary obligations, together with at least one per centum of the principal of said obligations; the amount raised in each year on account of the principal of said obligations to be deposited and held by the sinking fund commissioners, or other similar body if any, and if none, then by the legislative body of such corporation, as a sinking fund for the

payment of the principal of said obligations, and to be used for no other purpose whatever; *provided, however*, that nothing in this act contained shall in any way affect or impair the provisions of the act of the legislature of New Jersey entitled "An act respecting bonds of cities, towns, townships and other incorporated places," approved April twenty-second, eighteen hundred and seventy-six.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 3, 1878.

CHAPTER LI.

A supplement to an act entitled "An act relating to re-assessments of benefits in cities," approved April twenty-first, one thousand eight hundred and seventy-six.

1. BE IT ENACTED *by the Senateand General Assembly of the State of New Jersey*, That section one of an act entitled "An act relating to re-assessments of benefits in cities," which reads as follows:

"1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That when any assessment for benefits for local improvements heretofore made, or hereafter to be made in any city of this state, has been or shall be set aside only as to the prosecutor or prosecutors of any writ or writs of certiorari by any court of review, the common council of said city shall ascertain and estimate the amount of the assessment or assessments so set aside, together with the lawful interest accrued thereon, and the costs and expenses of a new assessment, and thereupon a new assessment shall be made by commissioners appointed by the circuit court of the county in which such city is situated, in conformity with the provisions of any existing law of this state; and in making such re-assessment the person or persons authorized to make the same shall assess upon all the owners of the lands and real estate peculiarly benefited by said improvement an amount of the assessment so set aside which is equal to the amount of benefit actually received by said lands and real estate, proportioned as nearly as may

be to the benefit each owner thereof shall be deemed to acquire; and the balance of said assesment so set aside and remaining unassessed shall be assessed upon and paid by the said city, and said person or persons authorized to make said re-assessment shall proceed in all respects as provided in respect to the original assessment; but in making such re-assessment any tracts of land and real estate originally assessed for the benefit of said improvement, and the original assessment upon which shall not have been set aside, shall not be liable to be re-assessed," be and is hereby amended to read as follows:

PROCEEDINGS WHERE ASSESSMENTS HAVE BEEN SET ASIDE BY COURT OF REVIEW.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where any assessment for benefits for local improvements heretofore made or hereafter to be made in any city of this state, has been or shall be set aside only as to the prosecutor or prosecutors of any writ or writs of certiorari, by any court of the review, the common council or board of aldermen of said city shall ascertain and estimate the amount of the assessment or assessments so set aside, together with the lawful interest accrued thereon, and the costs and expenses of a new assessment, and thereupon a new assessment shall be made by three commissioners appointed by the circuit court of the county in which such city is situated, in conformity with the provisions of any existing law of this state; and in making such reassessment the persons authorized to make the same shall assess upon all the owners of the lands and real estate peculiarly benefited by said improvement an amount of the assessment so set aside which is equal

to the amounts of benefits actually received by said lands and real estate proportioned as nearly as may be to the benefit each owner thereof shall be deemed to acquire, and the balance of said assessment so set aside and remaining unassessed shall be assessed upon and paid by the said city, and said persons authorized to make said re-assessment shall proceed in all respects as provided in respect to the original assessment; but in making such re-assessment any tracts of land and real estate originally assessed for the benefits of said improvement, and the original assessment upon which shall not have been set aside, shall not be liable to be re-assessed.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 27, 1880.

CHAPTER CLXVII.

An Act concerning past due assessments in certain cities of this state.

WHEREAS, in certain cities of this state, many of the benefit assessments for local improvements heretofore made by commissioners against the owners of lands and real estate claimed to have been specially benefited thereby, were laid upon illegal and erroneous principles and without regard to the peculiar benefit derived by reasons thereof as required by law, which assessments were intended to be legal and valid liens on such lands and real estate; and whereas, collections thereof cannot be enforced by the corporate authorities of such cities, but such assessments are liable to be vacated by the courts; and whereas, in many instances, the owner or owners of such property are willing and desirous to free the same from the pretended lien thereof, and to pay an amount equal to the peculiar benefit derived, and it is to the mutual advantage of all parties in interest that such assessments should be so equitably settled; therefore.

COMMON COUNCIL EMPOWERED TO REBATE AND REDUCE ASSESSMENTS OR MAY ARBITRATE ASSESSMENTS.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the common council or governing body of any city, as the case may be, at their discretion, after proper inquiry made, are hereby empowered and authorized to rebate and reduce such assessment or assessments, and

to accept such lesser amount in full payment and satisfaction thereof, or such common council or other governing body may agree to arbitrate such assessment or assessments upon application from such owner or owners that such course be adopted, such petitioner or petitioners to bind himself or themselves in writing to submit to, abide by, and pay the amount awarded by such arbitration, and that such award, from the date of its signing, shall be a legal, valid and effectual lien on the lands and real estate covered by such illegal and erroneous assessment; and further, that such award may at any time, upon five days' notice in writing, be made a rule of the circuit court of the county wherein such city may be situate, and from and after the entry thereof, such owner or owners shall be personally liable for the payment of the amount so awarded.

ON FAILURE OF COUNCIL TO ARBITRATE, OWNER OR OWNERS MAY APPLY TO JUSTICE OF SUPREME COURT FOR APPOINTMENT OF ARBITRATORS.

2. *And be it enacted*, That in case such common council or other governing body shall refuse to arbitrate such illegal and erroneous assessment or assessments, the owner or owners of such lands and real estate may, upon the giving of five days notice, in writing, make application to a justice of the supreme court for the appointment of arbitrators to determine and settle the question of the peculiar benefit derived by such lands and real estate by reason of such improvement or improvements, and such justice in his discretion, upon good cause shown, may appoint two discreet and impartial persons as such arbitrators, who shall make and sign and award or report in writing, stating therein the amount of such peculiar benefit; the same to be binding and conclusive; said award or report may

likewise be made a rule of the circuit court of the county wherein such city is situate, and from the date of the entry of such rule render such owner or owners personally liable; and further, if such arbitrators be unable to agree, they are authorized and empowered to choose a third person to act with them as arbitrator, in such case, the award of any two of such arbitrators as to the amount of the peculiar benefit, to be binding and conclusive.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 11, 1880.

CHAPTER XLII.

An Act to authorize the common council or other legislative body of the cities of this state by ordinance to change the time for commencing the assessment of taxes in such cities and also the time for furnishing statements or schedules of indebtedness.

MAY CHANGE TIME FOR COMMENCING ASSESSMENTS AND FURNISHING SCHEDULES.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the common council or other legislative body of any of the cities of this state having charge of the finances of such cities to provide and direct by ordinance that the time for commencing the assessment for taxes in such city and from which the taxes levied or assessed upon property therein shall become a lien thereon shall hereafter be the first Wednesday in May of each year; and that the statements and schedules of indebtedness now required to be furnished between the first Wednesday in April and the third Monday in June of each year shall hereafter be furnished between the first Wednesday in May and the third Monday in June of each year.

2. *And be it enacted*, That this act shall be deemed a public act and shall take effect immediately.

Passed February 25, 1885.

CHAPTER CXLIV.

A supplement to an act entitled "An Act to authorize cities to order and regulate the construction of sidewalks, and to provide for the payment of the expense thereof," approved May tenth, one thousand eight hundred and eighty-four.

LAWLUL FOR AUTHORITIES TO PLACE ASSESSMENTS ON PROPERTY IN ANNUAL TAX BILL.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in addition to the provisions of the act to which this is a supplement, and the powers and authority therein and thereby given, it shall and may be lawful for the authorities in such cities to place the assessments made against any property improved in the manner specified in said act in the annual tax bills rendered to the owner or owners of such property; and the same may be collected in the same manner and by the same officers as taxes are or may be collected in such cities; and it shall and may be lawful to anticipate the collection of assessments made for such improvements by temporary or other loans, in the same manner and to the same extent as is now lawful or may hereafter be lawful to anticipate the collection of taxes in such city or cities.

Passed March 31, 1885.

CHAPTER CCCXVI.

An Act to authorize and empower commissioners of assesements in cities of this state to assess for damages on street improvements.

LAWFUL FOR COMMISSIONERS TO ESTIMATE DAMAGES AND INCLUDE SAME IN REPORT.

1. Be it enacted *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful hereafter for the commissioners of assessments in cities of this state now having power to assess lands and real estate for benefits by reason of street improvements, but without power to assess damages therefore, to estimate and consider, and include in their report as such commissioners, such damages as they may consider property, lands and real estate on the line of said improvement to have suffered.

REMEDY OF OWNERS WHEN DAMAGES ESTIMATED.

2. *And be it enacted*, That when said commissioners of assessments shall have estimated, considered and included in their report the damages suffered as aforesaid, the owners of property, lands or real estate on the line of such improvement shall have the same remedy and privileges by way of appeal from the said report as are now accorded and given by the respective charters of the cities of this state in which such assessment may be made, to other owners of property specially assessed for benefits accruing from said assessment, and no other or different remedy or privilege.

RIGHTS OF OWNERS WHEN COMMISSIONERS FAIL TO ASSESS DAMAGES.

3. *And be it enacted*, That whenever the said commissioners of assessments shall fail to assess for damages as hereinbefore provided, the owners of property, lands or real estate shall have the same rights now provided by law in cases where said commissioners of assessments have no power to make such assessments.

ASSESSMENTS NOT TO EXTEND BEYOND PROPERTY BENEFITED.

4. *And be it enacted*, That nothing in this contained shall be considered as authorizing or empowering any board of commissioners of assessments to extend their said assessments for damages beyond the property specially benefited, and then only to the extent of the benefits received, as in the case of assessments for benefits as now provided for by law.

5. *And be it enacted*, That all acts and parts of acts inconsistent herewith, be and they are hereby repealed, and that this act shall be a public act, and shall take effect immediately.

Approved April 23, 1888.

CHAPTER CCXLIV.

An Act relating to the change of grade of streets in cities of this state.

MUNICIPAL AUTHORITIES MAY AWARD DAMAGES TO OWNERS OF BUILDINGS.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where any city of this state has power to change the grade of any street or part of a street upon which any house or other building stands, or is erected, it shall be lawful for the municipal authorities in any such city, through its proper officers, to make, or cause to be made, the proper award for damages, if any, ensuing or arising to the owner or owners of any such house or other building standing and erected upon any such street or part of a street, the grade whereof is changed as aforesaid.

DAMAGES TO BE ASSESSED UPON LANDS BENEFITTED.

2. *And be it enacted*, That the damages mentioned in this act to be paid to such owner shall be assessed upon and paid by the lands and real estate benefited thereby, in proportion to the benefits received, and such damages shall be ascertained, estimated and assessed, and the amount thereof shall afterwards be justly and equitably assessed and apportioned upon the lands and real estate benefited thereby, by such municipal authorities, through its proper officers, as aforesaid.

3. *And be it enacted*, That all acts or parts of acts inconsistent with the provisions of this act be and

the same are hereby repealed, and that this act shall be deemed to be a public act, and shall take effect immediately.

Approved May 7, 1889.

CHAPTER LXXI.

An Act to authorize cities to divide the assessments for benefits for street improvement on the lands benefited.

1. BE IT ENACTED *by ths Senate and General Assembly of the State of New Jersey*, That where there are lots or lands not laid out in lots, owned in part by different persons, fronting on any street, which has been or hereafter shall be graded, curbed, guttered, sewered or either of them, or otherwise improved by the authorities of any city in this state, the cost of which is to be assessed on the land benefited by such improvement, that the officers charged with the duty of making such assessment shall assess each part of lot or lots and land benefited according as such part or parts of such lot or lots of land are held by the several separate owners, charging to each part of such lot or lots and lands a separate assessment according to the benefits received, and to assess the balance thereof against the city at large.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 24, 1890.

ACTS

RELATIVE TO

BONDS.

CHAPTER X.

A further supplement to an act entitled "An act to incorporate the city of Hoboken," approved March twenty-eighth, anno domini one thousand eight hundred and fifty-five.

WHEREAS, the corporate authorities of the city of Hoboken are required by the act entitled "An act for the relief of such portion of the militia of this state as may be called into service," approved May eleventh, anno domini one thousand eight hundred and sixty-one, to allow and pay to certain persons in said act mentioned, each the sum of six dollars per month; and whereas, for the purpose of carrying out the beneficent objects of said act, it is necessary that the said corporate authorities should have power to procure a temporary loan of a sufficient sum with which to make such allowances and payments—therefore

MAY ISSUE BONDS.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the mayor and council of the city of Hoboken to issue bonds, under their corporate seal and the signature of the mayor of said city, for an amount not exceeding three thousand dollars; each bond being for such sum as to them shall seem proper, bearing interest at a rate not exceeding seven per cent. per annum, payable semi-annually, with coupons attached, the principal being payable on the first day of February, anno domini one thousand eight hundred and sixty-five, the credit and whole property of

said city being pledged for the payment of the same; which bonds it shall be lawful for the said mayor and council of the said city to sell at public or private sale, as the proceeds of the same shall be needed.

APPLICATION OF PROCEEDS.

2. *And be it enacted*, That it shall be the duty of the mayor and council of the city of Hoboken, to apply the net proceeds of said bonds in making payments to such persons who are entitled to receive six dollars per month under the direction of the corporate authorities of the city of Hoboken, by virtue of the provisions of the act entitled "An act for the relief of such portion of the militia of this state as may be called into service," approved May eleventh, anno domini one thousand eight hundred and sixty-one, or by virtue of the provisions of any supplement which may hereafter be made to said act, and for no other purpose whatsoever.

INTEREST TO BE PAID.

3. *And be it enacted*, That it shall be the duty of the treasurer of said city to pay the interest upon the said bonds, whenever the same shall be due, out of any money which may at the time be remaining in the contingent fund of said city.

TO BE PAID WHEN DUE.

4. *And be it enacted*, That when the said bonds shall become due and payable, they shall be paid by the mayor and council of the said city with the moneys received from the treasurer of this state, under the provisions of the third section of the act last above referred to.

WHEN MAY BE PAID.

5. *And be it enacted*, That the mayor and council of the city of Hoboken are hereby empowered to pay all or any of the said bonds at any time prior to the first day of February, anno domini one thousand eight hundred and sixty-five; and that each bond shall cease to bear interest at the expiration of thirty days after a resolution passed by the council of said city ordering such bond to be immediately paid.

6. *And be it enacted*, That this act shall take effect immediately.

Approved February 10, 1862.

CHAPTER CXXI.

An act authorizing the mayor and common council of the city of Hoboken to raise money by temporary loan, for the purpose of distributing relief to the families of volunteers engaged in the war service of the United States.

COMMON COUNCIL MAY BORROW MONEY AND ISSUE BONDS.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the mayor and common council of the City of Hoboken to borrow any sum of money not exceeding five thousand dollars, and to secure the payment of the same by issuing a bond, conditioned for the payment of the said sum of money, at such time as the said mayor and common council shall direct, with interest thereon at the rate of seven per cent. per annum, payable semi-annually; the payment of which said bond shall be secured by the delivery and execution, by the said mayor and common council, of a mortgage upon four lots each of the dimensions of twenty-five feet by seventy-five feet, of a certain square, situated in the City of Hoboken, and known as Market Square, which is bounded northerly by First street, easterly by Washington street, southerly by Newark street, and westerly by Bloomfield street; and it shall be the duty of the said mayor and council to raise by tax, yearly, such amount as shall be necessary to pay the interest upon the said sum so borrowed, until the principal and interest of the said bond are paid in the manner hereinafter provided for.

COMMISSIONERS TO LAY OUT MARKET SQUARE INTO LOTS AND SELL THE SAME.

2. *And be it enacted*, That Hoyt Sanford, Hermann Lohmeyer, William W. Shippen, Charles Chamberlain and John M. Francis, be and they are hereby appointed commissioners, whose duty it shall be to lay out the said Market Square in lots of such dimensions as to them shall seem most advantageous for building purposes; that they shall have power to sell and dispose of said square so laid out into lots as aforesaid, at public auction, whenever they shall deem it advisable so to do, having first advertised such intended sale in each of the newspapers printed and published in Hoboken, for the space of two months next preceding the same; and it shall be lawful for the said commissioners to adjourn such sale from time to time, as to them shall seem most expedient.

CONDITIONS OF SALE.

3. *And be it enacted*, That it shall be lawful for the said commissioners to impose such conditions of sale upon the purchasers as to them shall seem most expedient and beneficial for the interests of the city; *provided*, that one of the conditions of sale shall require a substantial brick or stone building, not less than three stories high, to be erected upon each lot, within a certain time mentioned in said condition; and before the said commissioners advertise the said square for sale as aforesaid, it shall be their duty to report, in writing, to the mayor and council of said city the manner in which they have laid out the said square into lots, the conditions of sale to be imposed upon the purchaser or purchasers, and the time determined upon by them for said sale to take place; and in case the said report should be rejected, the

said commissioners are hereby empowered to amend the same as often as to them shall seem proper, and return it to the said mayor and council for their approval, and no sale of the said square shall be made until the original or amended report of the said commisioners is approved by the said mayor and council; and upon the sale of the said square the mayor and council shall have power to take from the purchasers bonds and mortgages in sums not exceeding seventy per cent. of the purchase money.

VACANCY IN BOARD TO BE FILLED.

4. *And be it enacted,* That whenever any vacancy shall occur in the said board of commissioners, it shall be the duty of the said commissioners to fill the same by the election of a freeholder and resident of the said city of Hoboken; and the said commissioners shall not be entitled to receive any compensation for the services rendered by them under this act; but all expenses incurred by them shall be paid by the said mayor and council out of the moneys arising from said sale.

DEEDS WHEN MADE TO PURCHASERS.

5. *And be it enacted,* That whenever such sale is consummated, and the conditions thereof complied with by the purchaser or purchasers, it shall be the duty of the said mayor and council to convey the said lot or lots to such purchaser or purchasers, in fee, by deed, under the corporate seal of the said city, signed by the mayor and attested by the clerk of said city.

MONEY FROM SALE, HOW APPROPRIATED.

6. *And be it enacted,* That all moneys received

from the sale of any of the said lots shall be immediately placed into the hands of the treasurer of said city, and that the moneys so received shall be first appropriated by the said mayor and council to the payment of the principal and interest of the bond issued by them under the provisions of the first section of this act, and that the residue of the money shall be appropriated by them towards liquidating the indebtedness of the city of Hoboken, existing on the first day of February, in the year of our Lord one thousand eight hundred and sixty-two; and if any surplus remain, it shall not be used for any other purpose than for the payment of the bonds known as the "Hoboken City Water Scrip;" *provided*, that the sureties of the treasurer of the said city shall be liable for every default, should any be made by him, in respect to any moneys that may come into his hands by virtue of the provisions of this act; *provided also*, that so much of the money as shall be necessary, arising from the sale of the lot whereon the engine house stands, shall be appropriated by the said mayor and council to the purchase of land and the erection thereon of a new engine house.

MONEY BORROWED, HOW APPROPRIATED.

7. *And be it enacted*, That the sum of money borrowed by the said mayor and council under the provisions of the first section of this act, shall be placed into the hands of the city treasurer, and shall be applied to the support of the families of persons residing in the city of Hoboken, who may volunteer, or who may have volunteered in the military or naval service of the United States, or who may be called into military or naval service by the government of this state or of the United States, for the maintenance and defence of the state or federal government, and for no other purpose whatsoever.

RELIEF COMMITTEE.

8. *And be it enacted*, That the mayor of the city of Hoboken, and two councilmen of said city, to be chosen by the said council, Benjamin S. Taylor, Francis Bolting and Louis Huesman are hereby appointed a relief committee, whose duty it shall be to receive the said sum of money from the city treasurer, and apply it in the manner provided in the next preceding section; and whenever any vacancy shall occur among the members of the committee, who are not councilmen, such vacancy shall be filled by those members, by selecting a resident of the city of Hoboken, who is not at the time of his election a councilman of said city.

9. *And be it enacted*, That this act shall take effect immediately.

Approved March 19, 1862.

CHAPTER LVI.

A further supplement to an act entitled "An act to incorporate the city of Hoboken," approved March twenty-eighth, eighteen hundred and fifty-five.

WHEREAS, the citizens of Hoboken, desiring that the call of the government for troops to be furnished by said city to aid in suppressing the rebellion, should be filled with volunteers rather than with drafted men, did offer and pay bounties to secure that object, and for the purposes of paying such bounties, did raise the sum of thirty-five thousand dollars upon the faith of certain promissory notes, guaranteed by numerous citizens of said city; and whereas, it is necessary that provision should be made for the payment of such indebtedness, and it is desirable that the same should be gradually paid off; therefore,

CITY MAY ISSUE BONDS.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the mayor and council of the city of Hoboken to provide for the payment of the said indebtedness by issuing bonds under their corporate seal and the signature of the said mayor, for an amount of money not exceeding thirty-five thousand dollars, in such sums, and payable at such time or times as the said mayor and council shall deem proper, bearing interest at a rate not exceeding seven per centum per annum, payable semi-annually, with coupons attached, and to pledge the property and credit of said city for the payment of the same

which bonds it shall be lawful for the mayor and council, and their successors to sell and assign; *provided*, that no bond shall be sold by the said mayor and council for less than par; *provided also*, that the bonds to be issued by virtue of this act shall be redeemable at a period of time not to exceed twenty years from the passage hereof.

MAY PROVIDE FOR PAYMENT BY TAXATION.

2. *And be it enacted*, That the said mayor and council shall have power and authority to provide by taxation for the payment of said bonds and the interest thereon, and that they shall yearly and every year until the bonds so to be issued shall be redeemed and paid off, order and cause to be assessed and collected by tax, at the time and in the manner that other taxes in said city are assessed and collected a sum of money sufficient to pay and discharge the principal at the several times it shall become due and payable, and the interest on the said bonds as the same shall become due; *provided*, that not less than one thousand dollars, nor more than three thousand dollars of the principal of said bonds shall be made redeemable in any one year; *and provided further*, that the said mayor and council shall cause to be assessed and collected a special poll-tax of one dollar upon every white male inhabitant of the said city of Hoboken, of the age of twenty-one years and upwards, and shall also cause to be assessed all real and personal estate in the said city of Hoboken, now liable to taxation for city purposes, at the full and actual value thereof, at such rate per dollar as will be sufficient to produce the sum required to be raised, after deducting the said special poll-tax.

APPLICATION.

3. *And be enacted*, That it shall be the duty of the said mayor and council, to apply the net proceeds of the said bonds to the payment and satisfaction of the indebtedness incurred as aforesaid by the payment of volunteers.

4. *And be it enacted*, That this act shall take effect immediately.

Approved February 19, 1864.

CHAPTER CCXLII.

A further supplement to an act entitled "An act to incorporate the city of Hoboken," approved March twenty-eight, eighteen hundred and fifty-five.

WHEREAS, the citizens of Hoboken are desirous that the late call of the government for troops to aid in suppressing the rebellion should be filled with volunteers rather than with drafted men, and for that purpose it is necessary to provide for the payment of bounties to such as may volunteer to fill the quota of said city; therefore,

MAY ISSUE BONDS.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the mayor and council of the city of Hoboken to issue bonds under their corporate seal and the signature of the said mayor, for an amount of money not exceeding sixty-five thousand dollars, in such sums and payable at such time or times as the said mayor and council shall deem proper, bearing interest at a rate not exceeding seven per centum per annum, payable semi-annually, with coupons attached, and to pledge the property and credit of said city for the payment of the same, which bonds it shall be lawful for the mayor amd council and their successors to sell and assign; *provided*, that no bond shall be sold by the said mayor and council for less than par; *and provided, further*, that the bonds to be issued by virtue of this act shall be redeemed at a period of time not to exceed forty years from the passage hereof.

PAYMENT OF INTEREST AND PRINCIPAL BY TAXATION.

2. *And be it enacted*, That the said mayor and council shall have power and authority to provide by taxation for the payment of said bonds and the interest thereon, and that they shall yearly and every year, until the bonds so to be issued shall be redeemed and paid off, order and cause to be assessed and collected by tax, at the time and in the manner that other taxes in the said city are assessed and collected, a sum of money sufficient to pay and discharge the principal at the several times it shall become due and payable, and the interest on the said bonds as the same shall become due; *provided*, that none of the said principal shall be made redeemable before the first day of January, eighteen hundred and eighty-four, and that not less than four thousand dollars nor more than six thousand dollars of the principal of the said bonds shall be redeemable in any one year after that period; *and provided further*, that the said mayor and council shall cause to be assessed and collected a special poll-tax of one dollar upon every white male inhabitant of the said city of Hoboken of the age of twenty-one years and upwards, and shall also cause to be assesed all real and personal estate in the said city of Hoboken now liable to taxation for city purposes, at the full and actual value thereof, at such rate per dollar as will be sufficient to produce the sum required to be raised, after deducting the said special poll-tax.

HOW APPROPRIATED.

3. *And be it enacted*, That it shall be the duty of the said mayor and council to apply the net proceeds of the said bonds to the payment of bounties to such

as may volunteer to fill the quota of said city and for no other purpose.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 23, 1864.

CHAPTER LXXXVI.

A further supplement to an act entitled "An act to incorporate the city of Hoboken," approved March twenty-eight, eighteen hundred and fifty-five.

MAY ISSUE BONDS.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the mayor and council of the city of Hoboken to issue bonds under their corporate seal and the signature of the said mayor, for an amount of money not exceeding fifty thousand dollars, in such sums and payable at such time or times as the said mayor and council shall deem proper, bearing interest at a rate not exceeding seven per cent. per annum, payable semi-annually, with coupons attached, and to pledge the property and credit of said city for the payment of the same, which bonds it shall be lawful for the mayor and council and their successors, to sell and assign; *provided*, that no bond shall be sold by the said mayor and council for less than par; *and provided further*, that the bonds to be issued by virtue of this act shall be redeemed at a period of time not to exceed twenty years from the passage hereof.*

PAYMENT OF PRINCIPAL AND INTEREST BY.

2. *And be it enacted*, That the said mayor and council shall have power and authority to provide by taxation for the payment of said bonds, and the in-

* Amended. See Supplement. Approved March 29, 1865.

terest thereon, and that they shall yearly and every year, until the bonds so to be issued shall be redeemed and paid off, order and cause to be assessed and collected by tax at the time and in the manner that other taxes in the said city are assessed and collected, a sum of money sufficient to pay and discharge the principal at the several times it shall become due and payable, and the interest on the said bonds as the same shall become due; *provided*, that none of the said principal shall be made redeemable before the first day of January, eighteen hundred and seventy, and that not less than three thousand dollars nor more than five thousand dollars of the principal of the said bonds shall be redeemable in any one year after that period; *and provided further*, that the said mayor and council shall cause to be assessed and collected a special poll tax of one dollar upon every male inhabitant of the said city of Hoboken of the age of twenty-one years and upwards, and shall also cause to be assessed all real and personal estate in the said city of Hoboken, now liable to taxation for city purposes at the full and actual value thereof, at such rate per dollar as will be sufficient to produce the sum required to be raised, after deducting the said special poll tax.

PROCEEDS HOW APPLIED.

3. *And be it enacted*, That it shall be the duty of the said mayor and council to apply the net proceeds of said bonds to the liquidation of the indebtedness incurred by the said mayor and council, and not heretofore provided for in the payment of bounties to volunteers, substitutes and drafted men, to fill the quotas of the said city and for no other purpose.

MAY BORROW MONEY.

4. *And be it enacted*, That it shall and may be lawful for the said mayor and council to borrow a sum of money not exceeding one hundred thousand dollars for the purpose of paying such bounties as the said mayor and council may from time to time deem expedient to every volunteer, drafted man or substitute obtained to fill the quota of the city of Hoboken under the present call of the president of the United States, or the quota upon any future call which may be hereafter made by the said president.

TO PROVIDE FOR PAYMENT OF INDEBTEDNESS BY ISSUING BONDS.

5. *And be it enacted*, That it shall and may be lawful for the said mayor and council to secure the payment of such indebtedness by issuing bonds in the manner and under the same restrictions expressed in the first section of this act, and that they shall also have power and authority to provide by taxation for the payment of the principal of the said bonds, and the interest thereon, in the same manner as is provided for in the second section of this act.

6. *And be it enacted*, That this act shall take effect immediately.

Approved February 28, 1865.

CHAPTER CCCXLIV.

A further supplement to an act entitled "An act to incorporate the city of Hoboken," approved March twenty-eighth, eighteen hundred and fifty-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the first section of the act entitled "A further supplement to an act, to incorporate the city of Hoboken," approved February twenty-eighth, eighteen hundred and sixty-five, be amended by striking out the word "twenty," where the same occurs, and inserting in lieu thereof the word "forty."

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 29, 1865.

CHAPTER CXLIV.

A further supplement to "An act to incorporate the city of Hoboken," approved March twenty-eighth, eighteen hundred and fifty-five.

RATE OF INTEREST OF CERTIFICATES.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all improvement certificates hereafter issued by the said city of Hoboken shall draw interest at the rate of seven per centum per annum from the date of their issue.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 1, 1870.

MAY RAISE MONEY AND ISSUE SPECIAL IMPROVEMENT BONDS.

12. *And be it enacted*, That for the purpose of improving, filling up, grading or widening streets, or making brick sewers in said city, on the application of a majority of the lots on the line of such improvement at any time after such improvements are, in accordance with law, directed to be made, the council shall have power to raise money for the purpose of paying for such improvement or improvements, and secure the payment of the same, with legal interest thereon, by issuing special bonds, to be signed by the mayor and sealed with the corporate seal of said city, attested by the city clerk; which improvement bond shall be made payable at a period of time not less than three nor more than ten years from the date of their issue, which said bonds shall not carry the general credit of the said city, but shall be secured by a lien hereby created on the property to be assessed for any such improvement and on such property only.

MONEY BORROWED NOT TO EXCEED TWO-THIRDS OF COST OF IMPROVEMENT.

13. *And be it enacted*, That in raising money, as provided for in the preceding section of this act, the amount borrowed for any particular improvement shall not exceed two-thirds of the entire cost of such improvement when completed, and the assessments made for such improvement or improvements shall be paid by instalments, at such times and in such manner as the council shall, by resolution, direct; and such assessment or assessments shall remain a lien upon the lot or lots assessed, until the same is fully paid and satisfied; and that for the non-payment of any instalment, or for the non-payment

of interest thereon at the time or times designated for such payment, any lot or lots may be sold in the same manner that lots are sold for the non-payment of an entire assessment.

BONDS, WHEN TO BE ISSUED.

14. *And be it enacted*, That the council shall not issue bonds to raise money, as above provided, for special improvements unless petitioned so to do by the owners of the lots, who are to bear two-thirds of the expenses of such improvement; and the owner of any lot assessed, in case bonds have been issued to pay for such improvement, may pay the said assessment, or any part thereof, before the same becomes due; *provided*, the instalments so paid shall not be less than fifty dollars, except the last payment, which shall be the balance remaining unpaid; and when the assessment on any lot or lots is fully paid such lot or lots shall be immediately relieved from all lien or incumbrance of the said assessment.

ASSESSMENTS FOR IMPROVEMENTS TO BEAR INTEREST.

15. *And be it enacted*, That the bonds to be issued to raise money for improvements as aforesaid, shall be sold by said city at a rate not less than ninety per centum of their par value, and the assessments for such improvements shall bear interest from thirty days after the confirmation thereof until paid, at the rate of eight per centum per annum for the first year, nine per centum per annum for the second year, ten per centum per annum for the third year, eleven per centum per annum for the fourth year, twelve per centum per annum for the fifth year, and fifteen per centum per annum for each succeeding year.

IMPROVEMENTS IN CERTAIN STREETS TO BE INCLUDED IN THIS ACT.

16. *And be it enacted*, That the improvements in Second, Thirteenth and Ferry streets, and in such other streets as are now in process of improvement, shall be included in the provisions of the four preceding sections of this act.

Act of April 6, 1871.

CHAPTER CCCCLXXXIV.

An Act to authorize the mayor and council of the city of Hoboken to borrow money for the payment of existing debts and liabilities, and to issue bonds for the same.

AUTHORIZED TO ISSUE BONDS.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the mayor and council of the city of Hoboken to issue coupon bonds under the corporate seal of said city, and the signature of the said mayor for an amount of money not exceeding three hundred thousand dollars, in such sums and payable at such time or times, not exceeding thirty years, as they may deem expedient, bearing interest at a rate not exceeding seven per centum per annum, payable semi-annually; and to pledge the property and credit of said city for the payment of the same, which said bonds it shall be lawful for the said mayor and council, their successors or assigns, to sell and assign and for any vendee or assignee to purchase and hold; *provided*, that said bonds shall not be sold by said mayor and council for less than ninety-seven and a half per centum of the par value thereof; and that the mayor and council shall give at least twenty days notice by advertisement in at least three newspapers, to be designated by the council of the time and place at which sealed proposals for the purchase of such bonds will be received; and that said bonds shall be sold to the highest bidder or bidders.

BONDS TO SHOW WHAT FUND OR INDEBTEDNESS APPLIED TO.

2. *And be it enacted*, That each of said bonds issued under and by virtue of this act, shall show upon the face thereof what particular fund or indebtedness the money raised or borrowed thereon is to be applied to.

PROCEEDS, HOW APPLIED.

3. *And be it enacted*, That it shall be the duty of the said mayor and council to apply the net proceeds of the said bonds to the payment of such indebtedness as now exists, and cannot be lawfully paid by the proceeds of any bonds now authorized by law.

PAYMENT AND INTEREST OF BONDS TO BE PROVIDED FOR BY TAXATION.

4. *And be it enacted*, That the said mayor and council shall have power, by ordinances, to provide by taxation for the payment of said bonds and the interest thereon, as the shall become due.

5. *And be it enacted*, That this act shall be deemed a public act and shall take effect immediately.

Approved April 3, 1872.

CHAPTER CLXII.

An Act to authorize the mayor and council of the city of Hoboken to borrow money and to issue bonds for the same.

MAYOR AND COUNCIL MAY ISSUE BONDS TO SATISFY JUDGMENT RECOVERED AGAINST CITY WHEN THERE IS NOT SUFFICIENT MONEY IN THE CITY TREASURY, NOT OTHERWISE APPROPRIATED.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in case any judgment or judgments shall hereafter be recovered against the mayor and council of the city of Hoboken, for any indebtedness or liability existing against the said city at the time of the passage of this act, provided there is not sufficient money in the city treasury not otherwise appropriated to pay the same, it shall be lawful for the mayor and council of the city of Hoboken issue coupon bonds, under the corporate seal of said city and the signature of the said mayor, for an amount of money sufficient to pay such judgment or judgments, in such sums and payable at such time or times, not exceeding thirty years, as they may deem expedient, bearing interest at a rate not exceeding seven per centum per annum, payable semi-annually, and to pledge the property and credit of said city for the payment of the same, which said bonds it shall be lawful for the said mayor and council, their successors or assigns, to sell and assign, and for any vendee or assignee to purchase and hold; *provided*, that said bonds shall not be sold by said mayor and council for less than ninety-seven per centum of the par value thereof;

and that said mayor and council shall give at least ten days' notice, by advertisement in at least two newspapers, to be designated by the council, of the time and place at which sealed proposals will be received for the purchase of such bonds, and that such bonds shall be sold to the highest bidder or bidders.

PROCEEDS OF BONDS TO BE APPLIED TOWARD SATISFACTION OF JUDGMENTS.

2. *And be it enacted*, That the net proceeds of said bonds shall be applied forthwith to the payment and satisfaction of such judgment debt or debts.

PAYMENT OF THE SAME TO BE PROVIDED FOR BY TAXATION.

3. *And be it enacted*, That the said mayor and council of the city of Hoboken shall have power by ordinance, to provide by taxation for the payment of said bonds and the interest thereon as the same shall become due.

4. *And be it enacted*, That this shall be deemed a public act and shall take effect immediately.

Approved March 5, 1874.

CHAPTER LII.

An Act concerning the payment of judgments against any city.

AUTHORIZED TO BORROW MONEY AND ISSUE BONDS.

1. Be it enacted *by the Senate and General Assembly of the State of New Jersey*, That hereafter it shall be lawful for any city within this state, by and through its board of finance or finance department, from time to time, to borrow money for the use of said city, in such sums as may be necessary to pay any judgment now recovered, or that may hereafter be recovered against such city, either by temporary loans or by the issue of bonds not to exceed twenty years to run, and to issue proper evidences of indebtedness or bonds therefore, to be signed by the mayor, sealed with the city seal and attested by the city clerk; and the said evidences of indebtedness and the said bonds shall be in such form as said board of finance or finance department shall fix and determine, and the bonds may be either registered or coupon bonds, or both, as may be determined by such board or department, such indebtedness and bonds to bear interest at not exceeding seven per centum per annum, payable as such board or department may direct; said bonds not to be sold or used at less than their par value.

PROVISION FOR PAYMENT ON INTEREST, &C.

2. *And be it enacted*, That there shall be put in the tax levy of each year a sum sufficient to pay the interest of certificates of bonds issued under the first

section, and also such percentage of the principal of said bonds as shall be fixed by the board of finance or finance department, from time to time, and all percentage of the said principal sum thus raised by taxation is hereby pledged and appropriated to the commissioners of the sinking fund in the city where such commissions exist, for the payment of the principal of said certificates or bonds.

3. *And be it enacted,* That this act shall take effect immediately.

Approved March 8, 1877.

CHAPTER LXII.

An Act authorizing the incorporated cities, towns and townships of this state to renew matured and maturing bonds.

AMOUNT OF INDEBTEDNESS FOR WHICH BONDS MAY BE RENEWED.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any bonds heretofore legally issued by any incorporated city, town or township in this state, under the authority of law, are now due and unpaid, or shall hereafter become due, the board of aldermen or common council, or township committee of any such city, town or township may renew ninety-six and two-thirds per centum of said indebtedness or any less part thereof by the issuing of the bonds of said city, town or township for that purpose; which bonds shall be made payable at periods of time not exceeding thirty years from the date of issuing the same, and shall draw such rate of interest, not exceeding seven per centum per annum, and be issued in such sums as the board of aldermen, common council or township committee of any such city, town or township shall by ordinance or resolution determine; which bonds shall be of the denomination of not less than fifty dollars, nor more than one thousand dollars, and shall be executed under the corporate seal of said city, town or township, and the signature of the mayor or chairman of the township committee thereof and shall have coupons attached for every half years' interest until due; which coupons shall be signed by the mayor or chairman and numbered to

correspond with the bond to which they shall respectively be attached, and all the bonds issued under this act shall be numbered, and a register of such numbers, the date of issuing and the time of payment, shall be made by the said mayor or chairman of said city, town or township in a book to be provided for that purpose.

AMOUNT TO BE PAID BY ANNUAL TAX.

2. *And be it enacted*, That the debt hereby authorized and the interest thereon shall be raised and paid by a tax annually levied and collected as other city, town or township taxes are now or may be hereafter levied and collected; and the whole of each year's interest shall be so raised, levied, collected and paid within each year; and the board of aldermen, common council or township committee of any said city, town or township may dispose of said bonds at either public or private sale for the best price that can be obtained for the same, but not at a less price than par value, and said bonds and all moneys derived from the sale thereof shall be inviolably applied and used for the payment of the said maturing bonds.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 8, 1877.

CHAPTER CXXVIII.

A supplement to an act entitled "An act concerning cities," approved April twenty-first, one thousand eight hundred and seventy-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of an act entitled "An act concerning cities," approved April twenty-first, one thousand eight hundred and seventy-six, which reads as follows :

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter it shall be lawful for any city within this state, by and through its board of finance or finance deparment, from time to time to borrow money for the use of said city, in such sums as they may think best, in anticipation of the collection of taxes in arrears in such city, not to exceed at any time, the amount thereof then in arrear, either by temporary loans or by the issue of bonds not to exceed ten years to run, and to issue proper evidences of indebtedness to be signed by the mayor, sealed with the city seal and attested by the city clerk, and the said evidences of indebtedness and the said bonds shall be in such form as said board of finance or finance department shall fix and determine, and the bonds may be either registered or coupon bonds or both, as may be determined by such board or department; such bonds to bear interest at not exceeding seven per centum per annum, payable as such board or department may direct; *provided, nevertheless*, that said bonds shall not be sold for less than ninety-five per centum of their par value, be amended to read as follows :

MAY BORROW MONEY TO PROVIDE FOR UNFUNDED OR FLOATING INDEBTEDNESS AND ISSUE BONDS THEREFORE.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter it shall be lawful for any city within this state, by and through its common council or its board of finance or finance department, from time to time, to borrow money for the use of said city, in such sums as they may think best, to provide for present unfunded or floating indebtedness, or in anticipation of the collection of taxes or of assessments for benefits for street or sewer improvements in arrears in such city, not to exceed at any time, the amount thereof in arrear, either by temporary loans or by the issue of bonds not to exceed ten years to run, and to issue proper evidences of indebtedness or bonds therefore, to be signed by the mayor, sealed with the city seal and attested by the city clerk, and the said evidences of indebtedness and the said bonds shall be in such form as said common council, board of finance or finance department shall fix and determine, and the bonds may be either registered or coupon bonds or both, as may be determined by such board or department, such bonds to bear interest at not exceeding seven per centum per annum, payable as such board or department may direct; *provided nevertheless*, that said bonds shall not be sold for less than ninety-five per centum of their par value.

PAYMENT OF PRINCIPAL AND INTEREST OF BONDS, HOW PROVIDED FOR.

2. *And be it enacted*, That all moneys received as principal and interest on account of said taxes and assessments in arrears, for the arrearage of which bonds shall be issued by virtue of the provisions of this act, are hereby pledged and appropriated to the

commissioners of the sinking fund of said cities, where such commissioners exist, for the payment of the principal and interest of the bonds hereby authorized to be issued.

PROCEEDINGS FOR RELEASE OF PORTION OF LANDS FROM BOND AND ASSESSMENT.

3. *And be it enacted*, That whenever any owner of lands in any city within this state has or shall give a bond to such city for the payment of any assessment levied against his or her lands, and shall desire to have a portion of said lands released from such bond and the assessment for which it is given, and shall proceed and obtain an apportionment of such assessment under the provisions of the act entitled "An act to authorize the apportionment of taxes, assessments, and water rents," approved April twenty-first, one thousand eight hundred and seventy-six, so as to determine the amount of said assessment upon the land to be released, then it shall be lawful for such city to receive the amount so apportioned on account of said bond and release such proportion of such lands from such bond and the assessment for which it is given.

NOT APPLICABLE TO CERTAIN CITIES.

4. *And be it enacted*, And that nothing in this act shall be construed to permit the increase of indebtedness in any city whose debt is now limited by law, and in any city wherein there is a board of finance or finance department, the powers in this act conferred shall be exercised by such board or department and not by the council, and that this act shall take effect immediately.

Approved March 9, 1877.

CHAPTER CLXXIV.

An Act concerning bonds given for the payment of assessments in cities.

CITY TREASURER AUTHORIZED TO RECEIVE IN PAYMENT OF BOND GIVEN FOR ASSESSMENTS THE PRINCIPAL WITH INTEREST AT SEVEN PER CENT. FROM DATE OF BOND.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any city in this state where, in lieu of cash payment of assessment or assessments for any street or public improvements, a bond or bonds shall have been or may hereafter be given by the owner of any property assessed, payable to the city treasurer of such city, conditioned alone or among other things for the payment of any such assessment or part of such assessment, with interest at any rate exceeding the rate of seven per centum per annum, it shall be lawful for the city treasurer of such city, with the consent of the mayor and board of council of such city, to receive in full payment of such bond the principal thereof, with interest at and after the rate of seven per centum per annum from the date of the bond, notwithstanding any breach of the condition of any such bond, or any provision in said bond, or of any statute to the contrary; *provided*, that where such bonds are pledged to commissioners of the sinking fund of any city for the benefit of a sinking fund, it shall not be lawful to take payment of a rate of interest less than the amount provided for in the bonds without a resolution adopted by such commissioners, prescribing a general and uniform reduction of the rate of interest on said bonds.

2. *And be it enacted*, That all acts and parts of acts inconsistent herewith be and the same are hereby repealed, and that this act shall take effect immediately.

Approved April 3, 1878.

CHAPTER CCLIX.

A further supplement to an act entitled "An act concerning cities," approved April twenty-first, one thousand eight hundred and seventy-six.

MAY BORROW MONEY TO FUND FLOATING INDEBTEDNESS.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any city within this state, by and through its common council or other legislative body, or its board of finance or finance department, from time to time, to borrow money for the use of such city to such aggregate amount as shall be sufficient to pay and fund such of the unfunded or floating indebtedness of such city, at the time of the approval of this act, as has arisen from losses occuring upon the previous refunding of bonds of such city, or from improvements paid for by such city, and for which assessments cannot legally be made, or from deficiencies upon re-assessments made for improvements paid for by such city, and also the amount to fall due on all bonds of such city becoming due and payable within two years next succeeding the time of approval of this act, which aggregate amount shall be ascertained by such finance department in all cases where the same exists, and the disbursing officers of such city where such does not exist, and to issue the bonds of such city therefor, in the form and by the authority now prescribed in any such city, by any general or special law of this state, which bonds may be either registered or coupon bonds, or both, as may be determined by such finance department in all cities where such exists, and by the legislative body

thereof in all cities where such finance department does not exist, such bonds to bear interest at a rate not exceeding seven per centum per annum, payable in not less than ten nor more than thirty years from date, as such finance department where it exists, and such legislative body where it does not exist, shall determine, which bonds shall be denominated "funded debt bonds"; *provided, nevertheless*, that such bonds shall not be sold for a less per centum of their par value than shall be determined by such board of finance where the same exists, or such legislative body where such finance department does not exist.

ACT, HOW CONSTRUED.

2. *And be it enacted*, That nothing in this act shall be construed as permitting the issue of bonds in any city of this state, the charter or supplements of which now limits the amount of the debt of such city.

3. *And be it enacted*, That this act shall take effect immediately.

Approved April 5, 1878.

CHAPTER CCLXI.

An Act authorizing the issue of bonds in anticipation of the collection of assessments.

LOANS IN ANTICIPATION OF COLLECTION OF ASSESSMENTS AUTHORIZED.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter it shall be lawful for any city, town or township within this state, in any county having more than seventy-five thousand inhabitants by the last census, by and through the board of aldermen, common council or township committee of any such city, town or township, to provide for the raising and borrowing of money in anticipation of the collection of assessments for benefits for street or sewer improvement in any such city, town or township, either by temporary loans or by the issue of bonds, not to exceed twenty years to run, and to issue proper evidences of indebtedness or bonds therefor under the corporate seal of such city, town or township, to be signed by the mayor of such city, or chairman of such town committee, which bonds shall have coupons attached for every half year's interest due, which coupons shall be signed by the said mayor or chairman, and numbered to correspond with the bond to which they shall respectively be attached, and all the bonds issued under this act shall be numbered, and a register of such numbers, the date of issuing and the time of payment, shall be made or caused to be made by the said mayor or chairman of said city, town or township in a book to be provided for that purpose.

DENOMINATION OF BONDS.

2. *And be it enacted*, That such bonds shall be issued in such sum or sums as the board of aldermen, common council or township committee shall by ordinance or resolution determine, which bonds shall be of the denomination of not less than fifty dollars or more than one thousand dollars, and shall bear interest at the rate of six per centum per annum, payable semi-annually; *provided, however*, that the whole amount of such bonds shall not exceed ninety-five per centum of the whole cost of such improvement, and shall not exceed the amount of such assessment; *and provided further*, that said bonds shall not be sold for less than ninety-eight per centum of their par value.

WHEN BONDS CAN BE ISSUED.

3. *And be it enacted*, That such bonds shall only be issued by such city, town or township, upon application, in writing, by two thirds of the resident owners of the property lying within the assessment area, to the said board of aldermen, common council or township committee for that purpose.

MONEY RECEIVED ON ACCOUNT OF ASSESSMENTS, HOW APPLIED.

4. *And be it enacted*, That all moneys received as principal and interest on account of said assessments, for which said bonds shall be issued by the provisions of this act, are hereby pledged and appropriated to the sinking fund of such city, town or township, for the payment of the principal and interest of the bonds hereby authorized to be issued.

SINKING FUND TO BE PROVIDED.

5. *And be it enacted*, That the said board of aldermen, common council or township committee of any such city, town or township authorizing the issue of bonds as aforesaid, shall immediately provide a sinking fund for the purposes as directed in the preceding section; *provided*, that where there are commissioners of the sinking fund of any city, such sinking fund shall be under their management and control.

MAY PROVIDE FOR PAYMENT OF ASSESSMENTS IN EQUAL ANNUAL INSTALMENTS.

6. *And be it enacted*, That the board of aldermen common council or township committee, when application may be made as aforesaid, shall by ordinance or resolution provide for the payment of the said assessment in as many equal annual instalments as the said bonds shall be allowed to run, with interest at the rate of eight per centum per annum on said instalments, payable semi-annually, and the annual instalments and interest shall by the said owner or owners be paid to the treasurer of such city or township, or to the person or persons authorized by law to receive the same, and shall by him or them be placed to the credit of the sinking fund aforesaid; and in case the said instalment or interest, or any instalment or interest, shall not be paid by the owner or owners of any lands lying within the assessment area aforesaid on any day whereon the same is made due and payable by said ordinance or resolution, then the said land and real estate may be sold for the amount of said assessment, or such part thereof as may remain unpaid, with interest, costs and expenses, according to the charter of the city, town or town-

ship, or the statute regulating the same, and the amount due thereon placed in the sinking fund for the redemption of the bonds aforesaid; if no one bids at such sale, the treasurer of the city or township shall buy in said land and real estate for the benefit of such city or township, as the case may be.

ACT, HOW CONSTRUED.

7. *And be it enacted*, That nothing in this act shall be construed as giving authority for the issue of bonds by any city the debt of which is now limited by law, and that this act shall take effect immediately.

Approved April 5, 1878.

CHAPTER I.

A supplement to an act entitled "An act authorizing the incorporated cities, towns and townships of this state to renew matured and maturing bonds," approved March eighth, one thousand eight hundred and seventy-seven.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of an act entitled "An act authorizing the incorporated cities, towns and townships of this state to renew matured and maturing bonds," approved March eighth, one thousand eight hundred and seventy-seven, which reads as follows:

"1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any bonds, heretofore legally issued by any incorporated city, town or township in this state, under the authority of law, are now due and unpaid, or shall hereafter become due, the board of aldermen or common council or township committee of any such city, town or township may renew ninety-six and two-thirds per per centum of said indebtedness, or any less part thereof, by the issuing of the bonds of said city, town or township for that purpose, which bonds shall be made payable at periods of time not exceeding thirty years from the date of issuing the same, and shall draw such rate of interest, not exceeding seven per centum per annum, and be issued in such sums as the board of aldermen, common council or township committee of any such city, town or township shall by ordinance or resolution determine;

which bonds shall be of the denomination of not less than fifty dollars nor more than one thousand dollars, and shall be executed under the corporate seal of said city, town or township and the signature of the mayor or chairman of the township committee thereof, and shall have coupons attached for every half year's interest until due; which coupons shall be signed by the said mayor or chairman, and numbered to correspond with the bond to which they shall respectively be attached; and all the bonds issued under this act shall be numbered, and a register of such numbers, the date of issuing, and the time of payment, shall be made by the said mayor or chairman of said city, town or township, in a book to be provided for that purpose," be amended so as to read as follows:

1. Be it enacted *by the Senate and General Assembly of the State of New Jersey*, That whenever any bonds, heretofore legally issued by any incorporated city, town or township in this state, under the authority of law, are now due and unpaid, or shall hereafter become due, the board of aldermen or common council, or township committee or board of finance and taxation of any such city, town or township, may renew ninety-six and two-thirds per centum of said indebtedness, or any less part thereof, by the issuing of the bonds of said city, town or township for that purpose; which bonds shall be made payable at periods of time not exceeding thirty years from the date of issuing the same, and shall draw such rate of interest, not exceeding six per annum, and be issued in such sums as the board of aldermen, common council, township committee or board of finance and taxation of any such city, town or township, shall by ordinance or resolution determine; which bonds shall be of the denomination of not less than fifty dollars nor more than ten thou-

sand dollars, and shall be executed under the corporate seal of said city, town or township, and the signature of the mayor, comptroller, chairman of the township committee, or other proper financial officer thereof, and shall have coupons attached for every half year's interest until due, or may be registered, at the option of the holder; which coupons, if attached, shall be signed by the said mayor, comptroller, chairman or other proper financial officer, and numbered to correspond with the bond to which they shall respectively be attached, and all the bonds issued under this act shall be numbered, and a register of such numbers, the date of issuing, and the time of payment, shall be made by the said mayor, comptroller, chairman, or other proper financial officer of said city, town or township, in a book to be provided for that purpose ; *provided*, this act shall only apply to bonds for which no sinking fund has heretofore been provided, and that hereafter on all such bonds reissued under the provisions of this act a sinking fund of not less than three per cent. per annum together with the interest on such bonds shall be raised in the annual tax levy of such cities.

2. *And be it enacted*, That this act shall take effect immediately.

Approved January 29, 1879.

CHAPTER XII.

An Act authorizing the incorporated cities, towns and townships of this state to renew matured and maturing bonds.

PER CENTUM OF INDEBTEDNESS THAT MAY BE RENEWED.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any bonds heretofore legally issued by any incorporated city, town or township in this state under the authority of law are now due and unpaid, or shall hereafter become due, the board of aldermen or common council or township committee or board of finance and taxation of any such city, town or township may renew ninety-six and two-thirds per centum of said indebtedness or any less part thereof, by the issuing of the bonds of said city, town or township for that purpose; which bonds shall be made payable at periods of time not exceeding thirty years from the date of issuing the same, and shall draw such rate of interest not exceeding six per centum per annum, and be issued in such sums as the board of aldermen, common council, township committee or board of finance and taxation of any such city, town or township shall by ordinance or resolution determine; which bonds shall be of the denomination of not less than fifty dollars nor more than ten thousand dollars, and shall be executed under the corporate seal of said city, town or township and the signature of the mayor, comptroller, chairman of the township committee or other proper financial officer thereof, and shall have coupons attached for every half year's interest until due, or may be registered, at the op-

tion of the holder, which coupons, if attached, shall be signed by the said mayor, comptroller, chairman or other proper financial officer and numbered to correspond with the bond to which they shall respectively be attached; and all the bonds issued under this act shall be numbered, and a register of such numbers, the date of issuing and the time of payment shall be made by the said mayor, comptroller, chairman or other proper financial officer of said city, town or township in a book to be provided for that purpose; *provided*, that in order to redeem the bonds issued under the provisions of this act at maturity it shall be the duty of the board of aldermen, common council, township committee or board of finance and taxation of any such city, town or township to establish a sinking fund, which shall be created either by a special tax of not less than three per centum on the issue herein provided for, to be raised in the annual tax levy or from collections of assessments for improvements in cases where the bonds hereby authorized to be reissued were originally issued to pay for street and sewer improvements in any such city, town or township, or both, at the option of the governing body thereof.

INTEREST SHALL BE RAISED AND PAID BY A SPECIAL TAX ANNUALLY LEVIED AND COLLECTED.

2. *And be it enacted*, That the interest on the bonds hereby authorized to be issued shall be raised and paid by a special tax annually levied and collected as other city, town and township taxes are now or may be hereafter levied and collected, and the whole of each year's interest shall be so raised, levied, collected and paid within each year; and the board of aldermen, common council or township committee or board of finance and taxation of any said city,

town or township, may dispose of said bonds at either public or private sale for the best price that can be obtained for the same, but not at a less price than par value, and said bonds and all moneys derived from the sale thereof shall be inviolably applied and used for the payment of the said maturing bonds.

3. *And be it enacted*, That any act or acts or parts thereof inconsistent with the provisions of this act be and the same are hereby repealed, and this act shall be a public act and take effect immediately.

Approved February 18, 1879.

CHAPTER CCXLVIII.

An act authorizing cities to renew maturing bonds.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any bonds heretofore legally issued by any incorporated city in this state under authority of law, shall at any time or times hereafter prior to the first day of January, one thousand eight hundred and ninety-four become due, the board of aldermen, common council or other board having charge and control of the finances of such city, with the approval of the mayor of such city, may renew said indebtedness or any part thereof by the issuing of the bonds of said city for that purpose; *provided*, however, that no such bonds shall be renewed in cases where there are moneys or securities in any sinking fund of such city specifically appropriated for the redemption of said maturing bonds until after the moneys and securities of said sinking fund so specifically appropriated shall have been exhausted in the payment of maturing bonds.

2. *And be it enacted*, That the bonds to be issued under the provisions of this act shall be made payable at periods not exceeding thirty years from the date of issuing the same, and shall draw such rate of interest not exceeding five per centum per annum, and be in such sums as the board having charge and control of the finances of said city shall determine, which bonds shall be executed under the corporate seal of said city, and the signature of the mayor, comptroller or other proper financial officer thereof, and may be either registered or coupon bonds as said board may direct; *provided*, that in order to redeem the bonds issued under the provisions of this

act at maturity, it shall be the duty of the board having charge and control of the finances of such city to establish a sinking fund, which shall be created either by a special tax of not less than two per centum on the issues herein provided for, to be raised in each annual tax levy, or from collections of assessments for improvements in cases where the bonds hereby authorized to be re-issued were originally issued to pay for street and sewer improvements in such city, or from the collections of water rents in cases where the bonds hereby authorized to be re-issued were originally issued for the water department of such city, or by taxation and from such collections at the option of said financial board.

3. *And be it enacted*, That the interest on the bonds hereby authorized to be issued from time to time shall be raised and paid by special tax or appropriation, to be annually levied and collected as other taxes in such city are now or may hereafter be levied and collected, and the whole of each year's interest shall be so raised, levied, collected and paid within each year; *provided*, that the interest on all bonds re-issued in place of maturing water bonds shall be paid out of the collections for water rents in such city for said year.

4. *And be it enacted*, That the board of aldermen, common council or other board having charge and control of the finances of such city, may dispose of the bonds hereby authorized at public sale for the best prices that can be obtained for the same, but for not less than par, which issues and sales may be made in anticipation of the retirement of said maturing bonds, and the said bonds and all moneys derived from the sale thereof shall be inviolably applied and used for the payment of said maturing bonds; and, *provided*, that no increase in the bonded indebtedness of such city shall be made under this act.

5. *And be it enacted*, That this act shall take effect immediately.

Approved June 9, 1890.

CHAPTER CLXVII.

An Act to enable cities to create and maintain a sinking fund for the redemption of their bonded indebtedness.

AUTHORIZED TO ESTABLISH A SINKING FUND.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for any city in this state, having a population less than one hundred thousand inhabitants by resolution of the common council thereof, at any time hereafter, to establish a sinking fund for the cancellation of its bonds, and from time to time to fix the rate to be annually assessed therefor; *provided, however*, that the rate to be so assessed for the said purpose shall not in any case exceed one-quarter of one per centum of the valuation of real and personal estate for general taxation.

JUSTICE OF THE SUPREME COURT TO APPOINT COMMISSIONER OF SINKING FUND.

2. *And be it enacted*, That on application by, or on behalf of the common council of any city in this state, which may pass such resolurion as aforesaid, the supreme court of this state, or any justice thereof, shall appoint under his hand, some proper person, to be styled "commissioner of sinking fund," who shall have the management of the sinking fund of such city, and the said court or justice shall also, thereupon, fix the yearly compensation of such commissioner, which shall include and cover all the expenses of the said office; and shall also determine

the amount in which such commissioner shall give bond, and the number of his sureties; and the said commissioner, before entering upon the duties of his said office, shall execute a bond to such city, in the corporate name thereof, in such amount and with such number of sureties as aforesaid, conditioned for the faithful performance of all the duties of his said office, which said bond shall be approved by the said supreme court, or justice thereof.

TERM OF OFFICE AND PLACE OF RESIDENCE OF COMMISSIONERS.

3. *And be it enacted*, That the said commissioner shall reside in the city for which he may be appointed during his whole term of office, which shall be five years, and until a successor shall be appointed; but in case of death, removal from the said city, or other disability, a successor shall be immediately appointed as aforesaid, for a term of five years, who shall give bond as aforesaid.

ASSESSMENT TO FORM A PART OF THE GENERAL TAX LEVY OF THE CITY.

4. *And be it enacted*, That when, at any time hereafter, any city in this state shall, by resolution of the common council thereof, determine to assess a certain annual rate for the purpose mentioned in the first section of this act, not exceeding the rate therein mentioned, and shall have procured to be appointed a commissioner in the manner indicated in this act, and the said commissioners shall have given bond, and the same shall have been approved as aforesaid, such assessment shall be added to and levied, and raised with and in the same manner as the general tax levy of such city, and form a part thereof, and the money so raised shall be paid into the hands of

such commissioner as, and when, and as soon as the same shall be collected by the collector of taxes (in the ratio that the amount received shall bear to the amount levied), for the purpose of establishing a sinking fund for the payment and cancellation of the bonds of such city.

INVESTMENT OF MONEYS BY COMMISSIONER.

5. *And be it enacted*, That all moneys received by such commissioner as aforesaid, shall be invested by him, as such commissioner, for the benefit of the said sinking fund, within three months after the receipt thereof;

I. In the bonds of such city, when they can be purchased at a rate satisfactory to such commissioner, and the mayor and treasurer of such city.

II. In the bonds of the United States.

III. In the bonds of any county of this state, when they can be purchased at a rate satisfactory to such commissioner, mayor and treasurer as aforesaid.

REDEMPTION AND CANCELLATION OF BONDS.

6. *And be it enacted*, That all the bonds of such city, the redemption whereof shall not be otherwise provided for, shall be redeemed, paid and cancelled by the means aforesaid, as rapidly as possible; and and as soon as the same shall be paid and cancelled, all compensation to such commissioner shall cease, notwithstanding that his term of office may not then have expired.

SEMI-ANNUAL REPORTS TO BE MADE.

7. *And be it enacted*, That such commissioner shall report in writing under his hand to the said common council, every six months, all the transactions of his

said office during the preceeding six months, and that the finance committee of the said common council shall, at all reasonable times, have the right to inspect the books, papers, vouchers and transactions of such commissioner's office.

8. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1879.

CHAPTER III.

An Act to authorize cities to exchange registered for coupon or registered bonds.

WHEREAS, several of the cities of this state have heretofore issued registered bonds, which, by reason of the settlement of estates or other legal cause renders it necessary to divide, or parcel the original amount of such bonds, and because of the present law such division by exchange or surrender of the original bonds is stopped, thereby causing much inconvenience and loss; therefore,

AUTHORITIES MAY ISSUE REGISTERED BONDS IN EXCHANGE FOR COUPON OR OTHER BONDS.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the financial authorities of any city of this state, where coupon or registered bonds have been heretofore issued or may be hereafter issued, may upon application issue registered bonds in exchange for either coupon or registered bonds in such amounts as said authorities may in their discretion determine, and which bonds so exchanged shall be made payable at the same time and bear the same rate of interest as the bonds surrendered for exchange and which surrendered bonds shall be cancelled; *provided*, THAT NO AUTHORITY FOR ANY INCREASE OF INDEBTEDNESS SHALL BE INFERRED FROM THIS ACT; *and provided further*, THAT ANY BOND RE-ISSUED OR ISSUED IN SUBSTITUTION, UNDER THIS ACT SHALL BE SUBJECT TO ANY DEFENCE, LEGAL OR EQUITABLE, WHICH WAS OR WOULD HAVE BEEN AVAILABLE AGAINST THE BOND OR BONDS ORIGINALLY ISSUED.

BONDS ISSUED TO BE REGISTERED IN PROPER BOOKS.

2. *And be it enacted*, That the authorities issuing such registered bonds shall provide for the registration thereof in proper books to be kept for that purpose, and for the transfer of said bonds upon said books.

3. *And be it enacted*, That this act shall take effect immediately.

Approved February 5, 1881.

CHAPTER IV.

An Act in relation to official bonds.

COUNTY CLERKS TO RECORD THE OFFICIAL BONDS OF OFFICERS OF COUNTIES, CITIES, &C.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if the execution of the official bond of any officer of any county, city, incorporated town, village, borough or other municipality, or of any township in this state, shall be duly acknowledged and proven in the manner provided by law for taking the acknowledgment and proof of deeds, it shall be lawful for the clerk of the county wherein such officer resides to record such bond, with the acknowledgment and proof of the execution of the same, in a book labeled "public officer's bonds," which book shall be provided by him at the expense of the county, and shall be indexed in the names of the officers and their sureties, and of the corporations to which the bonds are respectively given; for which service the said clerk shall be entitled to demand and receive the sum of one dollar; and a copy of such record, duly certified under the hand and seal of such clerk, for the time being, shall be evidence in all courts and places the same as if the original bond were produced.

CERTIFICATE OF THE EXAMINATION OF ACCOUNTS OF OFFICERS, &C., MAY BE FILED WITH COUNTY CLERK.

2. *And be it enacted*, That if the accounts of any such officer shall be at any time examined by the authorities of the corporation to whom his bond is

given, or by the proper board, committee or officer of such corporation and shall be by such board, committee or officer, certified to be correct, and such certificate shall be duly acknowledged and proved, in the same manner as the bond, it shall be lawful for the clerk of the county to file said certificate in his office, and to note the substance thereof on the side or bottom margin of the page containing the record of the bond, for the information of all concerned.

3. *And be it enacted*, That this act shall take effect immediately.

Approved February 5, 1881.

CHAPTER LXIV.

An Act to provide for the payment of the difference between old and new assessments for improvements in cities.

CITIES AUTHORIZED TO BORROW MONEY TO PAY DIFFERENCE BETWEEN ANY ASSESSMENT AND RE-ASSESSMENT FOR IMPROVEMENTS.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any city in this state, from time to time, to borrow money for the use of said city, in such sums as it may think best, to pay the difference between any assessment, on any real estate for any improvement in said city, and any re-assessment thereon for the same improvement with the original assessment has been vacated or set aside by a court or any city board, together with any interest or damages due or to fall due thereon; that the city, in order to procure said money, may issue bonds, payable as to the principal and interest at such times and at such place and in such form as it shall deem best, and the same shall bear interest not exceeding six per centum per annum, and may be sold at not less than par; the bonds shall be signed by the mayor, sealed with the city seal and attested by the city clerk, and may be registered or coupon bonds or both, and may be convertible from one form to the other, from time to time, and in converting coupon bonds to registered bonds, one registered bond may be issued for several coupon bonds or several coupon bonds may be issued for one registered bond, as may be deter-

mined from time to time; *provided*, the issue of bonds under this act does not exceed in any city of this state the limit now provided by law.

2. *And be it enacted*, That the board having the control of the finance of the city, shall have full power to act for the city under section one of this act, and to do all things therein authorized to be done, except the signing, sealing and attesting of the bonds therein mentioned, and shall from time to time place or caused to be placed in the tax levy an amount sufficient to pay the interest on said bonds, and such per centage of the principal thereof as it may deem proper.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 3, 1881.

CHAPTER CLII.

An Act authorizing the establishing of sinking funds in cities in this state.

CITY COUNCIL AUTHORIZED BY ORDINANCE TO CREATE AND REGULATE A SINKING FUND, &C.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the city council of any city in this state is hereby authorized and empowered by ordinance to create, establish, maintain and regulate a sinking fund in any such city, and define the powers and duties of the board or committee in charge thereof; *provided*, that whenever any bonds shall have been issued by any city under any general law or agreement or compromise, the amount of the collections of all taxes, assessments, license fees or special sums pledged or raised for the payment of said bonds shall be applied in accordance with the laws and agreements under and in pursuance of which said bonds may have been issued, and it shall be the duty of the sinking fund commissioners of any city or those which may be appointed under the provisions of this act, to have charge of and carry out the proper disposition of said collections.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 23, 1881.

CHAPTER LIV.

An Act concerning cities in this state.

BOARD AUTHORIZED TO EXPEND CERTAIN AMOUNT OF MONEY FOR PURCHASE OF LANDS, &C.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any city of this state where lands, dedicated to public uses, have been sold, and the purchase money thereof is required by law to be used for the purchase of other real estate, and the erection thereon of buildings, and the furnishing of the same for the same public uses as the property sold, if such purchase money shall not be deemed, by the municipal board having the power to make such sale and purchase, sufficient to purchase property and erect buildings suitable for such public uses, it shall be lawful for such board to expend, for the purchase of real estate for such public uses, a sum not exceeding the amount received from the sale of said property as aforesaid, in addition to such amount, for the purchase of lands for such public uses.

BOARD MAY BORROW MONEY AND ISSUE BONDS.

2. *And be it enacted*, That to provide moneys necessary to carry this act into effect, it shall be lawful for the board having control of the finances of the city, to borrow money for such purpose, upon request being made to said board for that purpose by the board having power to make such sale and purchase; and said board, in order to procure said money, may issue bonds having not more than thirty

years to run, and bearing interest at a rate not exceeding five per centum per annum, such bonds being issued in a manner and form as other bonds of such city are now authorized by law to be issued; *provided*, the issue of bonds under this act shall not exceed in any city of this state the limit now provided by law, and that the proceeds of the sale of such bonds shall not be applied to any other purpose than the purchase of lands for the public uses aforesaid.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 8, 1882.

CHAPTER LX.

A supplement to the act entitled "An act to authorize cities to issue bonds to fund obligations incurred for street improvements," approved March ninth anno domini one thousand eight hundred and seventy-seven.

CITIES MAY ISSUE BONDS.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the governing body of any city in this state which has heretofore issued "street improvement bonds" under the authority conferred by the act to which this is a supplement, to issue bonds of said city, to be styled "renewal street improvement bonds" and that the proceeds of such bonds shall be appropriated only to the payment and cancellation of such "street improvement bonds" heretofore issued by such city, and that the amount of such "renewal street improvement bonds" shall not exceed eighty-five per centum of the amount of the street improvement bonds," which shall mature and become due within sixty days from the issning of the bonds herein provided for.

PROVISIONS OF ACT MADE APPLICABLE.

2. *And be it enacted*, That all the provisions of the said act to which this is a supplement, so far as the same are not inconsistent herewith, are continued in force and made applicable to the bonds hereby authorized.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 9, 1882.

CHAPTER LVI.

An Act to authorize cities of the second class to fund their indebtedness.

MAY ISSUE BONDS TO PAY INDEBTEDNESS.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the common council or other body having control of the finances of any city of the second class in this state having a lawful indebtedness whose payment is unprovided for, and which the available funds of said city are insufficient to pay, may issue bonds to the creditors to whom said indebtedness is owing, in lieu of said indebtedness, said bonds to be issued in any manner provided by the charter of said city for the issuing of other bonds, to be made payable in five years from their date, to bear not more than five per centum interest, and to be exchanged for not less than par value.

UNLAWFUL TO INCUR FURTHER INDEBTEDNESS.

2. *And be it enacted*, That from and after the passage of this act it shall not be lawful to incur any further temporary or floating indebtedness, unless the payment of the same shall have been already provided for by the taxpayers.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 2, 1883.

CHAPTER CLXI.

An Act relating to the issue of temporary loan bonds in cities of this state.

TEMPORARY BONDS OR OBLIGATIONS MAY BE ISSUED AND RENEWED IN ANTICIPATION OF TAXES.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the common council, board of finance, or other governing body of any city in this state to issue from time to time its temporary bonds or obligations in anticipation of taxes, and to renew such bonds heretofore issued, to the amount of the taxes remaining unpaid at the date of any such issue; and said bonds shall run for a period not extending, with renewals, beyond the time limited by the charter of such city for the sale of lands for unpaid taxes.

2. *And be it enacted*, That all acts and parts of acts, general or special, inconsistent with this act are hereby repealed, and this act shall take effect immediately.

Approved April 21, 1884.

CHAPTER CLXII.

An Act concerning cities in this state.

DEFICIENCY IN PAYMENT OF ANNUAL INTEREST ON BONDED INDEBTEDNESS MAY BE RAISED BY TAXATION BY ADDING TO TAX LEVY.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where in any city or cities of this state the provisions heretofore made by law for the payment of the annual interest heretofore accrued or hereafter to accrue on the bonded indebtedness or any part thereof, such city or cities shall have been found or shall hereafter be found to be insufficient for such purpose, the board having the control of the finances of such city or cities shall have power to raise by taxation the amount of such deficiency by adding the same to the annual tax levy of such city or cities.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 21, 1884.

CHAPTER CXCVIII.

An Act concering cities.

WHERE ANTICIPATED REVENUES HAVE BEEN APPROPRIATED, BOARD OF FINANCE MAY BORROW TEMPORARILY AMOUNT OF SAME.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any case where anticipated revenues have been or shall be appropriated in the annual appropriations of any city, it shall be lawful for any board of aldermen or common council now having by law the control of the finances of such city, to borrow temporarily, in the name of such city, any sum not exceeding the amount of such anticipated revenue.

2. *And be it enacted*, That this act shall take effect immediately.

Approved May 9, 1884.

CHAPTER CXLVI.

An Act concerning cities.

LAWFUL FOR CITY TO ISSUE BONDS FOR CERTAIN PURPOSES.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any city in this state where work has heretofore been done and materials furnished for the city in accordance with the terms of a written contract legally entered into and the same have not been fully paid for at the contract price, for such city by and through the board having supervision and control of the finances of such city to issue registered or coupon bonds in the corporate name of such city in the form now prescribed in such city, to bear interest at a rate not to exceed five per centum per annum, and deliver the same at not less than their par value to such person or corporation to whom payment may be due or become due for such work and materials, or for an adjusted amount, or on an account stated between the city and such person or corporation and in full satisfaction of the same; said bonds to be issued in such instalments and for the respective terms of years not to exceed five years as said board may by resolution determine; *provided*, that the principal sum of said bonds shall not exceed in the whole an amount in excess of the money due and to become due the said person or corporation by the terms of such contract; *and provided further*, that no bond be issued or delivered unless authorized by a resolution adopted by a unanimous

vote of said board, to be approved by the mayor of said city.

MONEYS TO BE APPLIED TO PAYMENT OF BONDS.

2. *And be it enacted*, That any moneys due or to become due for the use made of such work and materials, or for any merchandise, article or supply connected therewith or furnished through or therefrom shall be applied to the payment of such bonds and for no other purpose till the same are wholly paid.

MAY PROVIDE FOR PAYMENT OF BONDS BY TAXATION.

3. *And be it enacted*, That the proper authorities of such city, in case of the failure to collect sufficient money in the manner referred to in the last preceeding section of this act to pay and satisfy any such bond or bonds at their maturity, shall have power to provide by taxation for the payment of said bonds and interest thereon, and may order and cause to be assessed and collected by tax, at the same time and in the same manner that other taxes in such city are assessed and collected, a sum of money sufficient to pay and discharge the principal of said bonds and interest thereon at the several times it shall become due.

4. *And be it enacted*, That this act shall take effect immediately.

Passed March 31, 1885.

CHAPTER CCXXIV.

An Act to authorize cities in this state to issue bonds for certain purposes.

CITIES MAY ISSUE BONDS FOR CERTAIN PURPOSES.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the cities of this state to issue their corporate bonds for the following purposes:

FIRST.—To pay any present outstanding indebtedness heretofore incurred for the purpose of paying any judgment obtained against such city for bonds of other places for which said city has become liable for any annexation of territory, where there does not now exist any other provision of law for the payment of such bonds by said city; said bonds to be made payable not more than twenty years from the date of their issue.

SECOND.—To provide for existing deficiencies which have heretofore arisen by reason of the failure of the city to collect from assessments made in such city for street improvements and sewers enough money to pay the interest on the bonds of the city issued for the payment thereof, this authority only to be exercised by said city where such assessments have been pledged or set apart as a fund for the payment and redemption of bonds heretofore issued to raise money to pay for said improvements; and these bonds shall be temporary bonds, and made payable not more than ten years from the date of their issue.

BONDS, BY WHAT AUTHORITY ISSUED, &C.

2. *And be it enacted,* That such bonds shall be issued by the authority of the mayor and common council or the board having charge of the finances of such city, under its corporate seal, from time to time, and the proceeds thereof, when received, shall be used for the purposes aforesaid; such bonds shall be of the denomination and be made payable at such time and place as the mayor and common council or other legislative body of such city shall determine, and shall bear interest at a rate not greater than six per centum per annum, and may be disposed of at any sum not less than par.

FUNDS PLEDGED FOR PAYMENT OF BONDS.

3. *And be it enacted,* That any fund or funds now pledged or set apart for the payment or redemption of the bonds or indebtedness, in lieu of which or in payment of which any of the bonds hereby authorized are issued, shall be and remain pledged and set apart as well for the payment and redemption of the bonds hereby authorized and issued in lieu thereof or in payment thereof and the interest to accrue thereon.

WHEN SUFFICIENT SUM NOT RECEIVED FROM FUNDS PLEDGED DEFICIENCY TO BE RAISED BY TAX.

4. *And be it enacted,* That if at any time hereafter a sufficient sum shall not be received by such city from the fund or funds so pledged or set apart for the payment and redemption of the bonds heretofore issued to meet and pay the annual interest which will accrue thereon, then it shall be the duty of the mayor and common council or other legislative body of such city to provide therefor and supply the deficiency by placing the amount thereof in the annual

tax levy; and no city availing itself of the provisions of this act shall hereafter have power to borrow money to meet deficiencies in interest or bond account unless they shall have first placed money in the tax levy sufficient to pay such deficiency; and the money placed in said tax levy for such purpose shall not be used for any other purpose whatever.

SINKING FUND TO BE CREATED.

5. *And be it enacted*, That for all bonds issued under the authority of this act a sinking fund shall be created by placing in the tax levy of such city, in addition to the annual interest on the bonds so issued, a sum not less than six per centum to pay the ten-year temporary bonds, and not less than three per centum to pay the twenty-year bonds, such per centum to be of the amount of said bonds issued under this act annually, which amount, when collected, shall be paid to the commissioners of the sinking fund of such city, to be by them invested and appropriated to the payment of the principal of such bonds.

6. *And be it enacted*, That all acts and parts of acts inconsistent with this act, be and the same are hereby repealed, and that this act shall take effect immediately.

Approved April 20, 1885.

CHAPTER LXIV.

An Act concerning cities.

LAWFUL FOR MUNICIPAL AUTHORITIES TO BORROW MONEY IN ANTICIPATION OF TAXES.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the common council. board of aldermen or other governing body of any city, after the adoption of the annual ordinance for the assessment of taxes in such city, to borrow in anticipation of the taxes so ordered and assessed, any amount or amounts not exceeding one-half of the total amount ordered assessed for that year; *provided*, that nothing herein shall be construed to limit any power possessed by any city to borrow a larger sum.

2. *And be it enacted*, That this act shall be a public act and take effect immediately.

Approved February 22, 1888.

ACTS

RELATING TO

ELECTIONS

AND

WARDS.

CHAPTER II.

An Act to provide, for the registration of persons entitled to the right of suffrage in cities, in cases of special elections.

REGISTRATION TO BE MADE IN CASES OF SPECIAL ELECTIONS.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases where a vacancy or vacancies have occurred, or shall hereafter occur, by reason of death, failure to qualify or other legal disability, in offices which are filled at general state elections and annual municipal elections, and special elections, shall be hereafter held to fill such vacancy or vacancies in incorporated cities containing, according to the census of the year one thousand eight hundred and seventy, more than twenty thousand inhabitants, there shall be a registration of all persons entitled to the right of suffrage therein, respectively, as herein provided.

JUDGES OF ELECTION TO CONSTITUTE A BOARD OF REGISTRY.

2. *And be it enacted*, That the judge of election in the several wards or election districts into which said wards are or may be divided, shall constitute a board of registry, and shall, as members thereof, severally take and subscribe an oath or affirmation before an officer authorized to administer oaths and affirmations, faithfully and impartially to discharge all their duties under this act according to the best

of their ability, which oath or affirmation shall be entered on the register.

NOTICE TO BE PUBLISHED IN DAILY NEWSPAPERS OF TIME AND PLACE OF REVISING AND CORRECTING REGISTER.

3. *And be it enacted*, That at least five days before the day fixed in and by this act for the meeting of said boards of registry to prepare a revised and corrected register as hereinafter recited, the city clerk of every such city as aforesaid shall cause to be published in each of the daily newspapers of such city, and continued therein for at least three days, a public notice of the time and place of revising and correcting such register, and holding such special elections in the several wards or election districts into which said wards shall or may be divided, which place of revising and correcting such register as hereinafter recited, and holding such election, shall be the same.

DUTIES OF THE BOARDS OF REGISTRY, TIME OF MEETING, &C.

4. *And be it enacted*, That the boards of registry provided for in this act shall meet in the several wards or election districts, at the place designated in such notices, on Saturday next preceding the time fixed for such special election, at seven o'clock in the morning and shall remain in session until eight o'clock in the evening (but may take any necessary recess not exceeding one hour during that time) for the purpose of revising and correcting the revised and corrected register prepared for the general election immediately preceding (taking the certified copy thereof filed with the city clerk of every such city as aforesaid), at which said meeting the said boards

of registry shall add to said register the names and residences of all persons entitled to the right of suffrage in the election district at such special election and who shall appear in person before them; and they shall erase therefrom the name of any person who shall be shown, after a fair opportunity to be heard, not to be entitled to a vote therein by reason of non-residence or otherwise; and upon the final completion of said register the said boards of registry shall publicly announce and certify on the register the number of names entered thereon, and on the Monday following such meeting shall cause certified copies of the list of names to be posted in hand bill form in some conspicuous and accessible portion of the premises where the meeting shall have been held and another certified copy of such names shall be filed with the city clerk and be open for public inspection; and if any person shall wilfully tear down, remove or deface any list of names, posted pursuant to this act, shall be deemed guilty of a misdemeanor and on conviction be punished by a fine not exceeding five hundred dollars.

LIST OF PERSONS ENTITLED TO VOTE, TO BE ARRANGED ALPHABETICALLY.

5. *And be enacted*, That the register shall contain a list of the persons entitled to the right of suffrage in the election district, arranged in the alphabetical order of their surnames in such a manner as to show the names at full length, the residence, by the number (if there be a number), and the name of the street, court or alley, or other location of the dwelling place of each person.

DUTIES OF CLERKS OF ELECTION.

6. *And be it enacted*, That the clerks of election of

the various wards, or election districts in which the wards are or may be divided, shall attend said meeting of the board of registry, and act as clerks of said boards, procure and furnish the register, make the entries therein and prepare the certified lists for posting and filing; *provided*, that in case of the absence of the clerk, from sickness or otherwise, said board may appoint a temporary substitute.

PROCEEDINGS TO BE PUBLIC.

7. *And be it enacted*, That the proceedings of the board of registry shall be open to the public, and all persons entitled to the right of suffrage in the election district shall be entitled to be freely heard in relation the revision and correction of the registry.

MEMBERS OF BOARD OF REGISTRY MAY ADMINISTER OATHS.

8. *And be it enacted*, That any member of the board of registry may, at said meeting of the board, administer the oaths and affirmations required by law for testing and determining the qualifications of electors and their right to be registered, and that whoever shall swear or affirm falsely in relation thereto, shall be deemed guilty of perjury, and suffer the punishment prescribed therefore.

PENALTY FOR CAUSING NAMES TO BE ILLEGALLY REGISTERED OR FOR FALSELY PERSONATING REGISTERED VOTER.

9. *And be it enacted*, That any person who shall cause or procure his name to be registered in more one election district, or shall cause or procure his name to be registered, knowing that he is not entitled to vote in the ward or election dis-

trict wherein said registry is made, at such special election to be held therein, or who shall falsely personate any registered voter, shall be punished for each and every such offence by a fine not exceeding five hundred dollars, or imprisonment for a term not exceeding two years, or both, in the discretion of the court.

REGISTER TO BE PRESERVED FOR USE BY THE JUDGES OF ELECTION ON ELECTION DAY.

10. *And be it enacted*, That the said register, after being revised and corrected, shall be carefully and safely preserved by the board of registry, for use by the members thereof as judges of election on the day of election, and no person shall be allowed to vote unless his name shall be found on the register; and if any member of the board of registry shall refuse to register any person legally entitled to vote, or shall at the said meeting of the board of registry, register the name of any person who shall not have appeared before the board to require the registry of his name, or be shown to have been a legal voter in the ward or district at the last preceding general election, or if, when acting as judge of election, on the day of election, shall receive the vote of any person whose name shall not appear on the revised and corrected register, he shall be punished, on conviction, for every such offence, by a fine not exceeding one thousand dollars, or by imprisonment for a term not exceeding two years, or both, in the discretion of the court.

POLL LIST HOW AND BY WHOM KEPT.

11. *And be it enacted*, That on the day of election the clerk of election shall keep the usual poll list, and one of the judges shall check on the register the

name of the person voting, and that after the canvass of the votes, the poll list and the register so kept and checked shall be attached together and shall, within three days thereafter, be filed with the clerk of the county, if such special election be held to fill a vacancy occurring in any office filled at general state elections, and with the city clerk, if such special election be held to fill a vacancy occurring in an office filled at annual municipal elections.

EXPENSES, HOW DEFRAYED.

12. *And be it enacted*, That the expenses incurred under this act shall be paid by the cities respectively to which it applies; that the clerk of election, and each of the members of the board of registry and each judge of election, shall receive three dollars per day for his services, under this act; *provided*, that compensation shall not be paid for more than four days in respect to such election.

EIGHT HOURS TO CONSTITUTE A DAY'S LABOR.

13. *And be it enacted*, That eight hours shall constitute a day's labor on any day whereon any general or municipal election shall be held.

14. *And be it enacted*, That this act shall take effect immediately.

Approved February 2, 1876.

CHAPTER CLXXVI.

A further supplement to the act entitled "An act to regulate elections," approved April eighteenth, one thousand eight hundred and seventy-six, respecting the dividing of wards and townships into election districts.

BOUNDARIES OF ELECTION DISTRICTS MAY BE CHANGED, ALTERED AND READJUSTED, &C.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the township committee of any township, or for the board of aldermen or common council of any city at any time prior to the first day of August in any year, to change, alter and readjust the boundaries of the election districts in the township, or in a y ward of the several cities of this state, and to consolidate any one district in the township or ward with any other district or part of a district therein, provided that no election district shall be thereby made to contain more than six hundred voters; and when it shall at any time become necessary by reason of an election district containing more than six hundred voters, to alter or divide the same, it shall be the duty of such township committee or common council or board of aldermen to so readjust the whole number of election districts in such township or ward as to make the several districts as nearly equal in population as possible, having reference to the geographical compactness of the several districts and to the convenience of voters.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 12, 1880.

CHAPTER CXCIX.

Supplement to an act entitled "An act to regulate elections" [Revision], approved April eighteenth, one thousand eight hundred and seventy-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section seventeen of the act to which this is a supplement, be and the same is hereby amended so that the same shall read as follows:

17. *And be it enacted*, That when a township or ward in any city contains more than six hundred voters, said township or ward shall be divided into election districts, so as not to contain more than six hundred voters in each district, and the mayor and common council in the several cities and the township committees in the several townships are hereby required to set off said districts on or before the first day of August next, and file a description of the boundaries thereof, one copy in the county clerk's office and one copy in the city or township clerk's office, as the case may be, and in case any error is made in fixing the boundary lines of any such election district, the township committee of any township or mayor and common council of any city may at any time in their discretion correct such error and change such boundary lines; *provided, however*, that no election district shall contain more than six hundred voters.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 25, 1881.

CHAPTER LXXIV.

A supplement to the act entitled "An act to regulate elections," approved April eighteenth, one thousand eight hundred and seventy-six.

INSPECTORS TO TAKE CHARGE OF BALLOT-BOX AND DELIVER TO CITY CLERK.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all incorporated cities in this state, as soon as the election shall be finished and the ballots, poll list, tally papers, and oaths and affirmations deposited in the ballot-box, and the same sealed as now required by law, the ballot-box shall be immediately taken in charge by the two inspectors of election of the precinct, and by them forthwith carried to the office of the city clerk of the city in which such election may be held, by the most direct route, and without delay; and said inspectors shall not stop at any place between the polls and the city clerk's office; the clerk of any city in which the election shall be held shall attend at his said office on election day, and keep his office open from the time the polls shall be closed until all the ballot-boxes used at the various polls in said city at such election shall have been delivered at his office; and he shall thereupon keep such boxes containing the tickets and other documents, and said clerk shall not open, nor permit to be taken or oponed, any ballot-box deposited as aforesaid, for the space of six months after the same has been deposited as aforesaid, except when he shall be called upon by some court or other tribunal authorized to try the merits of such election, or take testimony re-

garding the same; and after such trial or investigation, it shall be the duty of the clerk to have said box or boxes returned and deposited in his office; the city clerk shall either attend personally at his office, or appoint one of the clerks in his office to act for him.

RECORD TO BE KEPT OF DELIVERY OF BALLOT-BOX, &C.

2. *And be it enacted*, That the clerk of the city in which such election may be held, or his subordinate, whom he may have appointed to act in his stead, shall enter in a book to be kept for that purpose, the exact time when each ballot-box may be delivered at said office, the precinct whence it was brought, the names of the inspectors delivering it, and the name of the police officer or other witness who may accompany them, and such other particulars as he may deem important; said book shall be filed in the office of the city clerk and be a public record.

ACT TO APPLY TO ALL ELECTIONS.

3. *And be it enacted*, That this act shall apply to all elections hereafter held in incorporated cities, whether the same be general or special or charter elections.

4. *And be it enacted*, That so much of the act to which this is a supplement, and so much of any special act as conflicts with this act, be and the same is hereby repealed.

PENALTY FOR VIOLATION OF ACT.

5. *And be it enacted*, That any person who shall wilfully violate any of the provisions of this act, or who shall obstruct or interfere with the inspector

or inspectors on the way from the polls to the office of the city clerk, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by fine not exceeding five hundred dollars, or by imprisonment at hard labor for any term not exceeding two years, or both.

6. *And be it enacted*, That this act shall take effect immediately.

Approved March 16, 1886.

CHAPTER CLXVIII.

Further supplement to an act entitled "An act to regulate elections," approved April eighteenth, one thousand eight hundred and seventy-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section twenty-seven of an act, entitled "An act to regulate elections," approved April eighteenth, one thousand eight hundred and seventy-six, and which section reads as follows :

"27. *And be it enacted*, That the boards of chosen freeholders of each county, and the common councils or board of aldermen of each city and incorporated town, shall from time to time as occasion shall require, provide and keep in good repair, ballot boxes for the use of each township, ward or election district, which box shall be made one foot in depth, width and length, as near as may be, measuring the same on the exterior thereof, and strapped and secured on each corner thereof with iron or brass, so as to prevent it from being easily broken, and shall have a lid thereto, which shall be fastened with brass or iron hinges ; and there shall be on the lid thereof three locks of different construction, so that neither of them can be opened with a key belonging to another of them ; and there shall be in the lid thereof an aperture, not larger than shall be sufficient to admit a single closed ballot therein at one time ; and the interior of the lid thereof shall be so provided with a bar or bolt that the aperture in the same can be covered thereby, in such manner that when the ballot box shall be locked no ballot or other thing

can be inserted in the same," be amended so as to read as follows:

WHO TO PROVIDE BALLOT BOXES.

27. *And be it enacted*, That the boards of chosen freeholders of each county, and the common councils or board of aldermen of each city and incorporated town, shall provide and keep in good repair, ballot boxes for the use of each township, ward or election district, which box shall be made about one foot in depth, width and length, as near as may be, measuring the same on the exterior thereof, and that the said ballot box be the Hall & Wood ballot box; the same in kind and description as is now provided by the law of the state of Ohio for the city of Cincinnati in that state, and that no sum in excess of twenty-five dollars shall be paid for each ballot box, and that said ballot box shall be furnished to the respective municipalities and townships by the first day of September, anno domini one thousand eight hundred and eighty-seven, and that said ballot box shall have two combination locks the same as are used upon the Hall safe, and one Yale key lock, and a combination of printing roll, a type band, a puncturing point, an inking roll, a pressure roll with the shaft and crank for operating said rolls; it shall have a mechanism adapted to convey a ballot into the box and print the same in its passage through the feeding rolls, in combination with the printing band, and puncturing point, to puncture the ballots conveyed into the box, in combination with a registering ballot box, the revolving dial, located outside of the box and actuated by the feeding mechanism, which conveys the ballots into the box, with a knocker also actuated by the mechanism which feeds the ballots to strike said dial, and give audible notice when a ballot is deposited by sounding an alarm by

means of a bell attachment, and that said ballot box shall have four French plate glass sides.

2. *And be it enacted*, That all acts or parts of acts inconsistent herewith are and the same are hereby repealed.

Approved April 28, 1887.

CHAPTER XLII.

A further supplement to an act entitled "An act to regulate elections," approved March eighteenth, one thousand eight hundred and seventy-six.

[1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of the act entitled "A supplement to an act to regulate elections," approved April eighteenth, one thousand eight hundred and seventy-six, which supplement was approved March sixteenth, one thousand eight hundred and eighty-six, be and the same is hereby amended so as to read as follows:

BALLOT BOXES, ETC., WHERE DEPOSITED.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all incorporated cities in this state, as soon as the election shall be finished and the ballots, poll lists, tally papers and oaths and affirmations deposited in the ballot box, and the same sealed as now required by law, the ballot box shall be immediately taken in charge by the two inspectors of election of the precinct, and by them forthwith carried to the office of the city clerk of the city in which such election may be held, by the most direct route, and without delay; and said inspectors shall not stop at any place between the polls and the city clerk's office; the clerk of any city in which the election shall be held, shall attend at his said office on election day, and keep his office open from the time the polls shall be closed until all the ballot boxes used at the various polls in said

city at such election shall have been delivered at his office; and he shall thereupon keep such boxes containing the tickets and other documents, and said clerk shall not open nor permit to be taken or opened, any ballot box deposited as aforesaid, for the space of three months after the same has been deposited as aforesaid, except when he shall be called upon by some court or other tribunal authorized to try the merits of such election, or take testimony regarding the same; and after such trial or investigation, it shall be the duty of the clerk to have said box or boxes returned and deposited in his office; the city clerk shall either attend personally at his office, or appoint one of the clerks in his office to act for him; *provided*, that when any special election is required to be held for any purpose, within the time that said ballot boxes are required to remain in the custody of said city clerk, it shall be lawful for the judge of the circuit court of the county, upon application of the city council or other governing body, to direct the contents thereof to be removed and carefully preserved, and the said ballot boxes to be used at said special election.

2. *And be it enacted*, That all acts or parts of acts inconsistent with this act, be and the same are hereby repealed, and that this act shall take effect immediately.

Approved February 15, 1888.

CHAPTER CCXIV.

A supplement to an act entitled "An act to regulate elections," approved April eighteenth, one thousand eight hundred and seventy-six.

APPOINTMENT OF INSPECTORS OF ELECTION IN CERTAIN CITIES.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cities of this state which now are or shall hereafter be required by law to have a registration of all persons entitled to the right of suffrage therein, the board of aldermen shall appoint four proper and suitable persons for each election district or precinct in said cities respectively, who shall be known as "inspectors of election;" and in making said appointments of inspectors of elections the members of the political party in the majority of the respective boards of aldermen of said cities shall appoint two of said inspectors, and the members of the political party in the minority of said board of aldermen respectively in said cities shall appoint two of said inspectors for each election district or precinct in said cities; not more than two of said inspectors so to be appointed for each election district or precinct shall be of the same political party, and the persons so appointed shall not be required to reside in the election district or precinct in which they are appointed to serve; *provided*, that if more than two political parties shall be represented in any board of aldermen, the political party which shall be next in number of members to the political party in the majority shall appoint the two inspectors which, under this section,

are to be appointed by the members of the political party in the minority.

WHEN INSPECTORS APPOINTED.

2. *And be it enacted*, That on or before the first day of September in each year the boards of aldermen respectively of said cities shall appoint said inspectors of election in manner aforesaid; that if any vacancy occurs in the office of inspectors of election by death, resignation, inability or otherwise, such vacancy shall be filled by an inspector of election appointed by the same members of the board of aldermen who made the original appointment; in case such vacancy is not filled at the opening of the polls on election day, the inspector at the poll where the vacancy exists, of like political faith as the inspector who has caused such vacancy, shall appoint an inspector to fill such vacancy, and in case of a vacancy occurring in any inspectorship during the hours of voting or canvassing the votes, such vacancy shall be filled by the other inspector at that poll of the same political faith as the absent inspector.

CERTAIN PERSONS NOT TO BE APPOINTED.

3. *And be it enacted*, That no person shall be appointed an inspector of election under this act unless he shall at the time of his appointment be a qualified voter in the city where appointed, and able to read, write and speak the English language; and no person shall be inspector who shall be a candidate for any office at the election for which he is to serve as such inspector, and any person appointed as such inspector who shall be appointed or elected to or accept or become a candidate for a public office shall thereupon immediately cease to be such inspector, and his place shall become immediately vacant, and

said vacancy shall thereupon be filled in the manner hereinbefore provided for filling vacancies.

INSPECTORS TO TAKE OATH.

4. *And be it enacted*, That every person who shall be appointed an inspector of election in pursuance of the provisions of this act, shall, before entering upon the discharge of his duties, take the oath now prescribed by law for inspectors of election before the city clerk, who is authorized to administer such oaths, and such oaths shall, within five days thereafter, be filed with the city clerk, and such oath shall be so taken and filed within five days after said inspectors receive notice of their appointments, except in cases of appointment to fill vacancies occurring on or during the day of election, in which cases the inspectors appointed to fill such vacancies may, before entering upon their duties, take the prescribed oath before the inspector acting as chairman at that poll, who is hereby authorized to administer said oath, and said oath shall be filed with the city clerk within twenty-four hours thereafter.

INSPECTORS TO CONSTITUTE BOARDS OF REGISTRY AND ELECTION.

5. *And be it enacted*, That the said inspectors of election at each election district or precinct are hereby constituted the board of registry for such election district or precinct, and acting as a board of registry said inspectors shall organize by the selection of one of their number as chairman and one member as clerk, and perform all the duties at the time and in the manner which are now or may hereafter be required by law to be performed by boards of registry; and said inspectors of election at each election district or precinct shall constitute the board of elec-

tion at that election district or precinct and shall perform all the duties which are now required by law to be performed on the day of election by the judge, inspectors and clerk, including the general conduct of the election during the hours the polls are open, the canvass of the votes after the close of the polls, and the making out of proper and correct counts, statements and returns thereof, and such other duties as are now or may hereafter be required by law concerning the canvassing and returns of votes cast at such election; and to this end the said inspectors of election shall be required to be at their respective precincts or polling-places for which they are appointed, on the morning of election day from the hour appointed for the opening of the polls and remain there until the same shall close, and until all the votes cast have been canvassed and the statements and returns required by law have been been made out and signed, and for such further time as may be necessary for the proper discharge of the duties of their office.

WHEN INSPECTORS TO MEET AND ORGANIZE.

6. *And be it enacted*, That the said inspectors of election of each election district or precinct shall meet at their respective precincts or polling-places on the morning of election, at the hour of the opening of the polls, and shall organize for the purpose of conducting the said election, by selecting or choosing one of their number to act as chairman, and one of their number to act as clerk; the duties of the chairman shall be the same as are now performed by the judge of election, and the duties of the one chosen to act as clerk shall be the same as the duties of the clerk of election as are now fixed by law.

WHEN INSPECTORS APPOINTED TERMS OF OTHER ELECTION OFFICERS TO CEASE.

7. *And be it enacted*, That immediately upon the election or appointment by the board of aldermen of any city of the inspectors of election as provided for in this act, the term or terms of office of all judges and inspectors of election, and poll clerks and clerks of election, heretofore appointed or elected in such city, shall cease and determine; and thereafter in such city no judge, inspector or clerk of election shall exercise or assume any of the duties of an election officer unless he shall have been appointed or selected in accordance with the provisions of this act.

ACT TO APPLY TO ALL ELECTIONS.

8. *And be it enacted*, That this act shall apply to all elections, state, charter, general or special, in every city of this state in which a registration of voters is required or authorized by law.

PENALTY FOR VIOLATION OF ACT.

9. *And be it enacted*, That any person who shall wilfully violate any of the provisions of this act shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine not exceeding five hundred dollars, or imprisonment at hard labor not exceeding two years, or both.

NO PERSON TO GIVE INSPECTOR MONEY, ETC.

10. *And be it enacted*, That no candidate for office in any election, nor any person for him, shall directly or indirectly offer, promise, procure or give any money, property, thing in action, victuals, drink,

preferment or other consideration or valuable thing, or promise thereof, to any inspector of election appointed under this act.

11. *And be it enacted*, That all acts and parts of acts, general, special and local, so far as they conflict with this act, be and the same are hereby repealed.

TERM DEFINED.

12. *And be it enacted*, That the term "board of aldermen" in this act shall also include the board of councilmen and common council of any city.

TERM OF OFFICE OF INSPECTORS.

13. *And be it enacted*, That the inspectors of elections appointed under this act shall hold office for the term of one year from the date of their appointment, and until their successors are appointed and qualified.

14. *And be it enacted*, That this act shall take effect immediately.

Passed March 28, 1888.

CHAPTER I.

A supplement to an act entitled, "An act to regulate elections," approved April eighteenth, one thousand eight hundred and seventy-six.

OPENING AND CLOSING OF POLLS.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all elections, general, local or charter, to be held in this state, the polls shall open at 6 o'clock in the morning and close at seven o'clock in the evening, and shall be kept open during the whole day of election, between the hours aforesaid; *provided*, the board of election may adjourn the proceedings in such election from one o'clock until two o'clock in the afternoon, or for such shorter time, between those hours, as they shall see fit.

2. *And be it enacted*, That this act shall take effect immediately.

Approved January 28, 1889.

CHAPTER CCXXXI.

A further supplement to an act entitled "An actto regulate elections," approved April eighteenth, one thousand eight hundred and seventy-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That there shall be in each of the counties of this state a county board of registration, to consist offour persons, to be appointed by the governor yearly and every year, and who shall be legal voters within the counties for which they are respectively appointed; no more than two members of any such board shall belong to the same political party; said board shall be appointed not sooner than thirty nor more than sixty days after the approval of this act; before the expiration of said thirty days the chairmen of the state committees of the two political parties, or either of them, which at the last preceding election for members of the general assembly cast the largest and next largest number of votes in the state, may, in writing, nominate two members of his own party in each county, qualified as aforesaid, for members of the county board of registration in and for such county, and if such nominations be made before the expiration of said thirty days, the governor shall appoint such nominees; the members of said county boards of registration shall continue in office for one year from the date of their appointment, and within thirty days next succeeding the expiration of their terms, the chairman of either of said state committees may in manner aforesaid, nominate members of his own

political party to be members of said county boards of registration, and such nominees shall be appointed by the governor; in case of death or disability of any member of any of said boards, the governor shall be forthwith notified thereof, by the county clerk of the county for which such member was appointed, and if such member was nominated by either of said chairmen, the governor shall cause notice of such death or disability to be given the chairmen of the state committee of the political party from which such member was appointed, and such chairman shall, within six days thereafter, nominate a successor, who shall thereupon be appointed by the governor; all appointments to fill any vacancies occurring in said boards shall be for the unexpired term only; if, in any case, either of said chairmen shall fail to make nominations to the governor within the times aforesaid, the governor shall make such appointments of his own selection from such political party; members of the county boards of registration shall serve without compensation.

2. *And be it enacted*, That said county boards of registration shall cause to be made a complete registration of all the legal voters in their respective counties, and for that purpose they shall, within two weeks after their appointment, meet at the court houses in their several counties and organize by electing one of their number to be chairman and one to be secretary, but the chairman and secretary shall not both belong to the same political party; in case of failure to elect such chairman for three ballots or viva voce votes, then the oldest member (in years) of such board shall be the chairman thereof; and on failure to elect such secretary for three ballots or viva voce votes the member of the board next oldest (in years) to the chairman of such board, and not of the same political party, shall be the secretary;

within forty, but not sooner than thirty days after the organization of any of said county boards of registration as aforesaid, such board shall (except as hereinafter provided) appoint, within each and every election district or voting precinct of its respective county, four persons, legal voters and residents within the election district for which they are appointed, to be the "board of registry and election" as hereinafter provided, in and for such election district or voting precinct; not more than two of such appointees shall belong to the same political party, nor shall either or any of such appointees hold any public office except as herein provided; prior to the expiration of said thirty days in this section mentioned, the chairman of the county committee of either or both of the two political parties in any county that at the last preceding election for members of the general assembly cast the largest and next largest number of votes in said county, may, in writing, nominate to said county board of registration two members of his own political party for each election district or voting precinct in his county, and such nominees shall be by said county board of registration appointed members of the board of registry and election in and for the election districts or voting precincts for which they are respectively nominated; the members of such boards of registry and election first appointed under this section shall hold their offices until the first day of June, one thousand eight hundred and ninety-one; within thirty days next succeeding June first, one thousand eight hundred and ninety-one, and yearly thereafter, the successors of said boards of registry and election shall be appointed, so that after the year one thousand eight hundred and ninety-one the terms of the members of such boards of registry and election shall commence in June of one year and end in June

of the year next succeeding; within thirty days next preceding June first, one thousand eight hundred and ninety-one, and of every year thereafter, the chairmen of the county committees of the said political parties of any county may, in manner aforesaid, nominate persons to the county board of registration to be members of the boards of registry and election, and such persons so nominated shall be appointed; should any vacancy occur in any of the said boards of registry and election, such vacancy shall be filled by appointment, made pursuant to this act, by the board of registration of the county wherein the vacancy occurs, but such appointment shall be for the unexpired term only; each board of registry and election shall appoint two registry or poll clerks, not of the same political party, neither of whom shall hold any public office other than that herein provided for, and whose duties shall be as hereinafter prescribed; the terms of office of such registry or poll clerks shall expire with those of the members of the board appointing them; if either of said registry or poll clerks shall die, resign or become incapable of acting, the board of registry and election shall fill such vacancies, but for the unexpired term only.

3. *And be it enacted*, That the members of said boards of registry and election and said registry or poll clerks, shall, before entering upon the performance of their duties, each severally take and subscribe an oath or affirmation in writing, before a duly qualified officer, faithfully and impartially to discharge all their duties as such officers under this or any other law of this state to the best of their skill and ability, which oaths or affirmations shall be forthwith forwarded to the county clerk and by him filed in his office.

4. *And be it enacted*, That said boards of registry and election shall meet annually on the Tuesday four weeks next preceding the annual election for members of the general assembly, at ten o'clock in the forenoon, at places within their respective election districts, to be designated by the members of such board or a majority thereof; said boards of registry and election when met as aforesaid, shall organize by choosing one of their number to be chairman; in case of failure to choose said chairman for three ballots, the oldest member (in years) of such board shall be the chairman thereof; when the chairman shall have been designated, each member of the board shall take and subscribe the oath prescribed in the next preceding section hereof; such oath may be administered by the chairman to the other three members of the board, and any member thereof may then administer the oath to the chairman; said boards of registery and election having taken and subscribed the oath aforesaid, shall, on the same day, proceed to ascertain and truly and accurately enter in canvassing books, to be provided for that purpose, the names and residences and street numbers, if any, of all the legal voters residing within their respective election districts entitled to vote therein at the next election, by making actual inquiry at every dwelling house or habitation or the head of every family residing therein, and shall continue such enumeration of voters, from day to day thereafter, on successive days, until the same be completed; *provided*, that such enumeration shall terminate on or before the Saturday next succeeding, the name of every such voter as aforesaid, whose place of abode shall be in any family or habitation or who may be casually or temporarily absent therefrom when such enumeration is made, shall be entered in said canvassing books; in making such enumeration, the said boards of

registry and election may divide their election districts into subdivisions, and any two of their number not of the same political party, designated by the chairman, together and in company, may make the enumeration in such subdivisions; no name shall be entered on such canvassing books without the concurrence of both said members, or if said enumeration be made by the entire board without the concurrence of a majority thereof.

5. *And be it enacted*, That on the Tuesday three weeks next preceding the election for members of the general assembly, said boards of registration and election shall meet at the places in their respective election districts where the next election will be held, at seven o'clock in the morning and continue in session until nine o'clock in the evening, but may take a recess from one to two o'clock during said time; said last mentioned meeting shall be attended by the said registry or poll clerks appointed for such election district, who shall take and subscribe the oath hereinbefore prescribed, to be administered by the chairman or any member of the board; when met, as in this section provided, said board of registry and election and said clerks shall proceed to transcribe and make up from said canvassing books two lists or registers, alphabetically, of the names, residences and street numbers, if any, of all persons in their respective election districts entitled to the right of suffrage therein at the next election, or who shall personally appear before them for the purpose, or who shall be shown to the satisfaction of such board of registry and election to have legally voted in that election district at the last preceding election therein for members of the general assembly, or who shall be shown by the affidavit in writing of some voter in that election district to be a legal voter therein; *provided*, that no naturalized citizen shall

be registered if his right is challenged, unless he shall, by affidavit or otherwise, prove to the satisfaction of a majority of such board that he is entitled to vote in that election district at the next election therein, or shall produce a legal certificate of naturalization entitling him to the right of suffrage, or shall have been duly registered at a previous election in such election district, which certificate shall thereupon be endorsed with the date of the exhibition.

6. *And be it enacted*, That when on the day of their meeting, as provided in the next preceding section, the board of registry and election shall have completed said two registers, they shall certify on each of them and announce publicly the number of names entered thereon; that on the day succeeding such meeting a correct list of the names entered on said registers with residences and street numbers, if any, shall be posted by each of said clerks, in hand-bill form, in some conspicuous public place within such election district; both of said lists shall be certified by the board of registry and election, or a majority thereof, to be correct copies of the original registers.

7. *And be it enacted*, That the board of registry and election shall also meet on Tuesday next preceding the day of election for members of the general assembly, at the same hour and place of their former meeting,and remain in session until nine o'clock in the evening (except that they may take a recess as aforesaid), for the purpose of revising and correcting the original registers, of adding thereto the names of all persons entitled to the right of suffrage in that election district at the next election, who shall appear in person before them or shall be shown by the written affidavit of some voter in such election district to be a legal voter therein, and of

erasing therefrom the name of any person who, after a fair opportunity to be heard, shall be shown not to be entitled to vote therein by reason of non-residence or otherwise; and upon the final completion of said registers the said board of registry and election shall publicly announce and certify on each register the number of names entered thereon, and on the next succeeding day each of said clerks shall cause a certified copy of the full list of the names on said registers, with residences and street number, if any, to be posted in conspicuous places within said election district; and one of said clerks to be designated by the chairman of said board of registry and election, shall prepare an additional copy of the names, residences and street numbers, if any, on such completed register, which additional copy, after being certified as aforesaid, shall be by said clerk, within two days after the said last mentioned Tuesday, filed with the clerk of the city, township or other municipality, within which such election precinct may be situate; *and provided further*, that no name shall be entered on said register or either of them from said canvassing books, or stricken therefrom without the concurrence of a majority of all the members of said boards of registry and election.

8. *And be it enacted*, That on the day succeeding the final completion of said registers one thereof shall be forwarded to and filed with the county clerk.

9. *And be it enacted*, That at least two weeks preceding the meeting of the said boards of registry and election on the third Tuesday before election, as hereinbefore provided, the county clerk of each county shall cause a notice to be published in such and so many of the newspapers of his county as he and the presiding judge of the court of common pleas of his county shall previously have designated

for that purpose, not exceeding six in all, setting forth that the boards of registry and election in and for each and every election district or voting precinct in his county will meet on the days and between the hours aforesaid for the purpose of making said registration of voters; said publication shall be published, as nearly as may be, equally in newspapers of the different political parties, and so as to afford the widest possible information to all voters of every political party, and such notice shall be continued in such newspapers at least once a week for at least four weeks successively; *provided*, that such publication shall not be made in any daily newspaper more than twice in any one week.

10. *And be it enacted*, That in the registers made as aforesaid the names shall be arranged in the alphabetical order of surnames, in such manner as to show the names at full length, the residence by the street number (if there be a number) and the name of the street, court, alley or other location of the dwelling place of the voter.

11. *And be it enacted*, That the proceedings of the boards of registry shall be open to the public, and all persons entitled to the right of suffrage in the election district shall be entitled to be freely heard in relation to the revision and correction of the registers.

12. *And be it enacted*, That hereafter, except as in this act otherwise provided, in each and every of the election districts or voting precincts of this state, the boards of election shall be composed of the four members of the board of registry appointed as aforesaid in and for such election district or voting precinct, and there shall be two election or poll clerks to said board of election, instead of one as heretofore, which clerks shall be said two registry or poll

clerks appointed as aforesaid, anything in any existing law to the contrary notwithstanding.

13. *And be it enacted*, That the original register not filed with the county clerk, as hereinbefore provided, shall be carefully preserved by the board of registry for use by them as the board of election on the day of election, and no person, except as hereinafter provided, shall be allowed to vote unless his name shall be found on the register; and if any member of the board of registry and election shall willfully refuse to enter in the canvassing books or upon the registers any person legally entitled to vote, or shall at the meeting of the board of registry, on the Tuesday three weeks preceding the election, register the name of any person, except those on the canvassing books, who shall not have appeared before the board to require the registry of his name, or be shown to have voted in that election district at the last preceding election for members of the general assembly, or who shall be shown, by the affidavit in writing of some voter in that election district, to be a legal voter therein, or shall at the meeting of said board, one week before the election as hereinbefore provided, register the name of any person who shall not have appeared before said board to require it or be shown by affidavit to be a legal voter therein as herein provided, or if, when acting as a member of said board of election, on the day of election, shall receive the vote of any person whose name shall not appear on the revised and corrected registers, unless such name shall have been ordered added thereto in the manner hereinafter provided, such member shall be punished, on conviction, by a fine not exceeding one thousand dollars, or by imprisonment not exceeding two years, or both, in the discretion of the court.

14. *And be it enacted*, That on the day of election

each of said registry or poll clerks shall keep a poll list in form now required by law, and one of the board of election shall check or erase from the register the name of the person voting, and that after the canvass of the votes the register so kept and checked and one of the poll lists shall be attached together and filed with the clerk of the county within one day thereafter, and the other shall be deposited in the ballot box as now required by law.

15. *And be it enacted*, That any person who shall cause or procure his name to be registered in more than one election district, or shall cause or procure his name or that of any other person to be registered, knowing that he, or the person whose name he has procured to be registered, is not entitled to vote in the election district or ward wherein said registry is made at the next election to be held therein, or who shall falsely personate any registered voter, shall be punished for each and every offence by a fine not exceeding one thousand dollars or imprisonment for a term not exceeding five years, or both at the discretion of the court.

16. *And be it enacted*, That said boards of registry and election shall place or cause to be placed upon said registers, the name of any person who shall appear before them and satisfy them by an affidavit in writing, to be filed with them and by them forwarded within two days to the county clerk, and by him filed in his office, that such person will, on the day of the next ensuing election, be entitled, under the constitution and laws of this state, to exercise the right of suffrage in that election district; and any person swearing falsely in any such affidavit as mentioned in this section shall be guilty of perjury, and incur the penalty thereof.

17. *And be it enacted*, That if any person shall, after being registered in one election precinct, move

into another election precinct in the same county, he may apply to the board of registry and election, on election day, to have his name erased from the register and a certificate given him to that effect, which certificate shall be signed by said board or a majority thereof and attested by the poll clerks, and on presentation of such certificate to the board of election of the precinct where he then resides, his name and residence shall be placed on the register of such precinct, and he shall then be allowed to vote; *provided*, that said latter board may require him to make a statement, under oath, to satisfy themselves of his right to vote; the presentation of such certificate shall be noted on the register and the certificate preserved and at the close of election attached to the register and filed therewith with the county clerk.

18. *And be it enacted*, That on the Thursday next preceding the annual election for members of the general assembly, and from day to day thereafter as may be necessary, the courts of common pleas of the several counties of the state shall be in session at the court houses in their respective counties for the purpose of revising and correcting the registers of voters so as aforesaid on the day succeeding the final completion thereof, to be filed with the county clerk, and the clerk shall produce such of said registers as may be required at the sessions of the court; said court in the revision and correction of said registers shall proceed in a summary manner, and shall order erased therefrom the name of any person who shall be shown to the satisfaction of the court for any cause, not to be entitled to vote at the next election in the district wherein he is registered; *provided*, that no name shall be ordered erased from any such register in the absence of a person to be affected thereby, unless it shall appear to the court, by affidavit of some qualified voter of the same election

precinct wherein said person is registered, that notice has been given such person either personally or by leaving the same at his assigned place of residence with some person above the age of fourteen years, at least two entire days before such session of the court, that at such session of the court application would be made to have the name of such registered person stricken from the register, and the grounds on which said application would be based; said court may also order added to said register the name or names of any person who shall prove to its satisfaction by affidavit or affidavits or otherwise, his right to vote at the ensuing election, but whose name, through absence, sickness, inadvertence or other sufficient cause, has been omitted therefrom; when any name shall be stricken from any register filed with the county clerk, a certificate under the seal of the court and attested by the county clerk, stating the name erased and the cause therefor, and from what election district, shall be given to the person applying to have the name of such person erased, and on the delivery of such certificate to the board of registry the name of such person shall be erased from the register in their possession, and his vote not received if he presents the same; to any person whose name shall be ordered added to the registry of any election precinct shall be given a certificate under the seal of the court and attested by the clerk, that such person is entitled to vote in that precinct at said election, and on the delivery of such certificate to the board of election of the proper precinct, the name of said person shall be added to the registry and his vote received; the receipt of said certificate shall be noted on the register and the certificate forwarded with such registry to the county clerk.

19. *And be it enacted*, That the boards of registry

and election and said registry or poll clerks appointed as hereinbefore provided for, shall, in their respective election districts, hold and conduct the next and all succeeding annual elections to be held on the first Tuesday after the first Monday in November in any year, and also the annual "town meetings" hereafter to be held throughout this state, and the foregoing provisions of this act shall apply to said town meetings, except that the said boards of registry and election at such town meetings shall procure and use thereat the certified copy of the register of voters filed with the township or other clerk pursuant to section seven of this act; said board of registry and election and said poll clerks shall meet to revise and correct said register in the manner hereinbefore provided, on the Tuesday preceding town meeting; and each of said registry or poll clerks of each election district shall cause at least three notices of the time and place of such meeting to revise and correct said register to be conspicuously posted in public places within their respective election districts, at least one week before such meeting.

20. *And be it enacted*, That in all of the municipalities of this state wherein elections for public officers are or may be held on days other than the days on which the annual town meetings aforesaid or the annual election for members of the general assembly are held, the governing body of every such municipality, by whatever name called, shall, on or before the first day of September in each and every year, appoint four persons for each election district or precinct within their several municipalities, who shall be and constitute the boards of registry and election within and for such respective districts or precincts; in making said appointments of such boards, the members of the political party in the

majority in such governing bodies shall appoint two of the members thereof, and the member or members of the political party in the minority in such governing bodies shall appoint the other two members of such boards of registry and election; and in case any of said governing bodies shall be composed unanimously of members of one political party, such governing body shall appoint said four members, but not more than two members of any such board of registry and election shall belong to the same political party, nor shall any of them hold any public office except as herein provided; *provided*, that if more than two political parties shall be represented in any such governing body as aforesaid, the political party which shall be next in number of members to the political party in the majority shall appoint the two members of such boards of registry and election which under this section are to be appointed by the members of the political party in the minority; if any vacancy shall occur in any of said boards of registry and election by death, resignation, inability or otherwise, such vacancy shall be filled, in manner aforesaid, by the members of the governing body who made the original appointment.

21. *And be it enacted*, That it shall be the duty of said boards of registry and election provided for in the next preceding section hereof to make alter or revise, as the case may require, the registry of voters within and for their respective election districts or precincts, and also to hold and conduct all elections, other than said town meetings and said annual elections for members of the general assembly, as are or may be required by law to be held therein during their term of office; each of said boards shall appoint two registry or poll clerks not of the same political party, neither of whom shall hold public office except as herein provided for, and who shall perform

duties similar to those which are or may be required by law of other registry or poll clerks.

22. *And be it enacted*, That in all cases where the territorial limits and boundaries of the election districts or precincts within any such municipality as is mentioned and referred to in sections twenty and twenty-one hereof, shall be the same in all elections held therein, whether for members of the general assembly or other officers, the registration of voters for all elections whatsoever held within such municipalities shall be the same registration provided for in the first nineteen sections of this act; but such registration shall and may be revised, corrected or altered by said boards of registry and election provided for in section twenty hereof, at such times and in such manner as the governing bodies of such municipalities may respectively order and direct; provided, that no name shall be stricken from or added to said registry by any of said boards of registry and election without the concurrence of a majority of all the members of said board.

23. *And be it enacted*, That when in any election for public officers to be held within any of the municipalities of this state, the territorial limits and boundaries of the election districts shall not be the same as at the annual election for members of the general assembly, then and in such cases it shall be the duty of the said boards of registry and election provided for in section twenty hereof to make a complete registration of all the legal voters within their respective election districts; and in the making of such registration said boards of registry and election shall conform as nearly as may be to the directions and requirements contained in section four hereof; *provided*, that the governing body of such municipality shall and may designate the time when such boards of registry and election shall begin canvass-

ing for such registry and the day or days on which said boards shall meet for transferring the names from the canvassing books to the register and for altering, revising and correcting such registry.

24. *And be it enacted*, That all elections held within any of said municipalities by the boards of registry and election provided for in section twenty hereof shall, except as herein otherwise provided, be held and conducted and the votes cast thereat canvassed and returned as now is or hereafter may be required by law.

25. *And be it enacted*, That all ballots cast at any election for any public officer or officers hereafter held within any municipality of this state shall (except as herein otherwise provided) be printed and distributed at public expense, and no ballots shall be cast or counted at any such election except such as are by this act provided for.

26. *And be it enacted*, That any convention of delegates or nominating body of a political party as hereinafter defined, and also individual voters by petition, to the number and in the manner hereinafter specified, may nominate candidates for public office, whose names shall be printed, written or placed upon the ballots as hereinafter provided and directed; a "convention of delegates" or "nominating body of a political party" within the meaning of this act is an organized assembly of delegates or voters, representing a political party which, at the election for members of the general assembly next preceding the holding of such convention or nominating body polled at least five per centum of the total vote cast in the state, county or other division or district in and for which the nomination is made.

27. *And be it enacted*, That all nominations made by any such convention of delegates or nominating body shall be certified in a written or printed, or

partly written and partly printed, "certificate of nomination" as follows: such certificate of nomination shall contain the name of each person nominated, his residence and post office address, the office for which he is named, and shall designate, in not more than three words, the title or name of the party or principles which such convention or nominating body represented; said certificate shall be signed by the presiding officer and secretary of such convention or nominating body, who shall add to their signatures their respective places of residence and post office address, and severally make oath before an officer qualified to administer the same, that the affiants were respectively such officers of such convention or nominating body, and that said certificate and the statements therein contained are true as they verily believe; and a certificate that such oath has been taken shall be made and signed by the officer administering the same and endorsed upon or attached to such certificate of nomination; in case of a division in any party and claim by two or more factions to the same party name or title, the secretary of state or the county or municipal clerk, as the case may be, shall give the preference of name or title to the convention of delegates or nominating body held at the time and place designated in the call of the regularly constituted party authorities, and if the other faction shall present no other party name or title, the secretary of state or county or municipal clerk, as the case may require, shall select a name or title and place the same at the head of the list of candidates of said faction on the ballot; if two or more conventions be called by authorities or bodies claiming to be the regularly constituted authority or body of any party, the secretary of state or county or municipal clerk, as the case may require, shall select suitable names or titles to distinguish the several

factions, and the ballots shall be printed accordingly.

28. *And be it enacted*, That besides the nomination of candidates by a convention of delegates or nominating body of a political party, as hereinbefore provided, candidates for public office may also be nominated by "petition" in manner following: such petition shall be addressed to the secretary of state or clerk of such county, city or other municipality as may be proper, pursuant to the requirements of this act hereinafter contained, and shall set forth the name or names and places of residences and post office addresses of the candidates for the offices to be filled, the office for which each candidate is named, that such candidates are legally qualified to hold such offices, and that the petitioners desire and are legally qualified to vote for such candidates; said petition may also designate, in not more than three words, the title of the party or principle which the candidates therein named represent, and shall be signed by legally qualified voters of the state, residing within the district or political division in and for which the officer or officers nominated are to be elected, equal in number to at least one per centum of the entire vote cast at the last preceding election for members of the general assembly, in the state, county, district or other division in and for which the nominations are made; *provided*, that when the nomination is for an office to be filled by the voters of the entire state, the number of such signatures shall not be less than eight hundred in the aggregate for each candidate nominated in said petition; when the nominations by such petition is for an office to be filled by the voters of a district, county, city, township or other division less than the entire state, the petition shall be signed by qualified voters of such district, county, city, town or other division not less in num-

ber than five for every one hundred votes cast in such district, county, city, town or other division at the next preceding election for members of the general assembly; *provided, however,* that not more than two hundred signatures shall be required to any petition for any officers to be elected save only such as are to be voted for by the voters of the state at large; in case of a first election to be held in a newly established election district, division, county, city or ward, the number of fifty signatures to a petition shall be sufficient to nominate the candidate to be voted for only in such election district or division, county, city or ward; every voter signing a petition shall add to his signature, his place of residence, post office address and street number, if any, and shall, before an officer duly authorized to take acknowledgments and proof of deeds, acknowledge his signature, and that he is an elector, and that he has truly stated his residence and post office address; such voter may sign one petition for each officer and no more, but all the names need not be signed to one petition; before any petition shall be filled as hereinafter provided, at least five of the voters signing the same shall make oath before a duly qualified officer that the said petition is made in good faith, that the affiants verily believe all the signatures thereto to be genuine and those of duly qualified voters, and a certificate that such oath has been taken shall be endorsed upon or annexed to the petition by the officer before whom the same is made.

29. *And be it enacted,* That when electors for president and vice-president of the United States are to be voted for, the names of the candidates for president, and vice-president for whom the electors named in any certificate or petition are nominated to vote, may be included in such certificate or petition, and when so

included the names of such presidental and vice-presidential candidates, together with the party names and political appellation, names of other candidates for any offices, if any, designated in the certificate or petition, shall be printed upon the ballots in the manner hereinafter directed.

30. *And be it enacted*, That all certificates of nomination, and all petitions naming candidates for any office to be filled by the voters of the entire state, or any district or division thereof greater than a single county, shall be filed with the secretary of state, at least forty days previous to the election at which the candidates nominated are to be voted for; all certificates and petitions naming candidates for the general assembly, and candidates to be voted for by all the voters of a single county, or more than a single subdivision thereof, shall be filed with the clerk of the respective counties wherein the officers nominated are to be voted for, at least twenty days prior to the election at which the candidates nominated are to be voted for; all other certificates and petitions shall be filed with the clerks of the respective municipalities wherein the candidates nominated are to be chosen, at least fifteen days before the election whereat they are to be voted for; all certificates and petitions when filed shall be open, under proper regulation, for public inspection, and the same shall be preserved for one year; candidates nominated for any office in any certificate or petition shall manifest their acceptance of such nomination by a written acceptance thereof, signed by their own hand, upon or annexed to and filed with such certificate or petition, or if the same person be named for the same office in more than one petition, then annexed to one of such petitions; the name of any candidate who shall fail in such manner to signify his acceptance of the nomination shall not be printed upon the ballots.

31. *And be it enacted*, That it shall be the duty of the secretary of state, at least twenty days before any election whereat any candidate nominated in any certificate or petition filed with him is to be voted for, to make and certify under his hand and seal of office, and forward to the clerks of the several counties of the state, a statement of all the candidates nominated by certificate or petitions filed in his office for whom voters in any such county may be by law entitled to vote at such election; such statement, in addition to the names of the candidates for president and vice-president of the United States, if any such have been included in any certificate or petition filed with him, shall also contain the names and residences of all other candidates, the offices for which they are respectively nominated and the names of the parties by which, or the political appellation under which they are respectively nominated; candidates nominated by petition, without distinctive political appellations, shall be certified as independent candidates.

32. *And be it enacted*, That except as in this act otherwise provided, separate printed ballots of the kind and description hereinafter directed, shall be provided at public expense for each party or group of petitioners having candidates to be voted for at any election for public officers within this state or any subdivision thereof; it shall be the duty of the county clerk of each county to provide said ballots in all cases where the names of any candidates to be voted for at any election to be held in his county are certified to him by the secretary of state or included in any certificate or petition of nomination originally filed with him as such county clerk; in cases of election within and for a single municipality of any county where the certificate or petition of nomination is, pursuant to this act, to be filed with

the clerk of such municipality, it shall be the duty of such municipal clerk to provide said ballots; said county and municipal clerks in providing said ballots shall cause the same to be printed in manner and form following: the nominations of each party or group of petitioners shall be printed on separate tickets underneath the title or name of the party or petitioners making such nominations as designated by them in their certificate or petition, so that all the candidates of each party or group of petitioners shall be and appear on its own separate ticket or ballot, after the form and manner now prevailing, or if there be no designation of name or title, then under the title of "independent nominations;" such clerks shall not be required to print any name upon any ballots when such name was not included in any certificate or petition filed with him at least ten days before the election; all ballots prepared by any county and municipal clerk for any election to be held within his county or municipality, shall be printed on plain white paper; all ballots to be of uniform size, quality and type, and of such thickness that the printing thereon cannot be distinguished from the back of the ballot and without any mark, word or device or figure thereon except as in this act provided; there shall be printed on each ticket the name of but one candidate for each office to be filled.

33. *And be it enacted*, That on the back of each of the said ballots to be provided by the county or municipal clerk shall be printed the words "official ballot for——," after the word "for" in each case shall follow the designation of the election district or voting precinct for which the ballot is prepared, the date of the election and a fac-simile of the signature of the county or municipal clerk; the county or municipal clerk shall provide for each political

party, for each election district or voting precinct in his county or municipality, two hundred and fifty ballots for every fifty or fraction of fifty votes cast therein by such party at the last preceding election for members of the general assembly; in cases of independent nominations or of nominations by any party, organization or petitioners, that cast no votes for any candidate or candidates at the last preceding election for members of the general assembly, the number of ballots to be provided and furnished at public expense shall be equal in number to one-half of the total number of votes cast in the election district or precinct at the last preceding election for members of the general assembly; when an election district shall be divided or the boundaries changed or a new district created, the county or municipal clerk shall ascertain as nearly as possible the number of voters in the new district or districts and shall provide therefor a sufficient number of ballots in the above proportion.

34. *And be it enacted*, That it shall be the duty of said county and municipal clerks, in all cases in which, under this act, they are required to provide and furnish the official ballots as aforesaid for any election, to also provide and furnish for such election official envelopes, of the size, kind, and description hereinafter prescribed, wherein the ballots to be voted at such election shall be inclosed and voted, as hereinafter directed; all such envelopes provided by any county or municipal clerk shall be of the same quality of plain white paper, three and one-half inches in length by two inches in width, with the flap thereof ungummed; on the back of each of said envelopes shall be printed the words "Official envelope for——;" after the word "for," in each case shall follow the designation of the election district or voting precinct for which the envelope is prepared

the date of the election and a fac-simile of the signature of the county or municipal clerk by whom the said envelopes are provided and furnished; there shall be no mark, word, figure or device of any kind placed on said envelopes, except as herein directed; all printing on said envelopes shall be with black ink, in type of the same style and description, so that one envelope cannot be distinguished from another; there shall be provided and furnished for each election district or voting precinct so many official envelopes as will be equal to double the number of all the votes cast in such election district or voting precinct at the last preceding election therein for members of the general assembly; the distribution and use of such official envelopes shall be confined exclusively to the polling room, in the manner hereinafter directed; in counting the votes cast at any election the envelopes containing the ballots shall be opened, and the ballot shall then be removed from the envelope and the names on the ballot counted and recorded as now required by law; the ballot shall then, before another envelope is opened, be returned to the envelope whereform it was taken, and envelope and ballot shall then be numbered as one ticket and strung as now required by law; if on opening any envelope it shall be found to contain more than one ballot, none of the ballots contained therein shall be counted for any candidate, and all such ballots shall be returned to the envelope wherein they were found, and on the face of such envelope shall be written the words "rejected ballots," and such envelope and ballots shall be strung on the string of rejected ballots, as now provided by law; should any voter to whom any official envelope has been furnished as hereinafter provided, spoil or render the same unfit for use, he may obtain another from the board of election on returning the one

spoiled or unfitted for use; but no more than two official envelopes, one at a time, as herein provided, shall be furnished any voter; at the close of the election all unused and all spoiled and returned official envelopes shall be tied up in one package by the board of election and deposited in the ballot-box and delivered with the said ballot-box to the proper custodian thereof; when an election district shall be divided or the boundaries changed or a new district created, the county or municipal clerk shall ascertain, as nearly as possible, the number of voters in the new district or districts, and provide therefor official envelopes on the basis above prescribed.

35. *And be it enacted*, That the county clerks of the various counties in the state shall, three days prior to any election wherefor they are required by this act to provide the ballots, cause to be delivered to the clerk of each township, city or other municipality within his county as may be required, the proper number of ballots and envelopes as hereinbefore required provided for the use of the voters for each and every election district or voting precinct within his township, city or municipality at such election; the same shall be sent in sealed packages, one for each election district of said township, city or other municipality, with marks or directions on the outside of each clearly stating the election district or voting precinct for which it is intended, together with the number of ballots and envelopes enclosed; receipts for ballots and envelopes thus delivered shall be given by the clerk receiving the same and filed with the county clerk, who shall also keep a record of the time when and the manner in which each of said packages were sent; the said township or other clerk shall, on the day preceding any such election (but on the Saturday preceding when such election occurs on a Monday), deliver to one of the

clerks of each election district or voting precinct within his township, city or other municipality, the ballots and envelopes by him received from the county clerk for such election district or voting precinct, and take the receipt of such election clerk therefor, which last mentioned receipt the clerk of such township, city or municipality shall file and preserve with other papers entrusted to his keeping; said election clerk shall, on the morning of election and before proclamation of the opening of the polls, deliver the packages of ballots and envelopes by them received to the election boards of their respective election districts or voting precincts, with the seals thereof unbroken, and shall take receipts therefor from said election board, which receipts said election clerks shall carefully preserve for at least a year; in cases of elections within and for a single municipality of any county, where under this act the ballots and envelopes are required to be provided by the clerks of such municipalities, the duties by this section imposed upon the county clerks with reference to the delivery of the ballots and envelopes shall, the necessary changes being made, devolve upon and be performed by the clerks of such municipalities.

36. *And be it enacted*, That if at any election the ballots to be furnished therefor as herein provided shall not be delivered at the time above mentioned, or if after delivery they should be destroyed or stolen and other official ballots cannot be obtained in time for such election, it shall be the duty of the clerk of such township, city or other municipality, or of the clerk or board of election, as the case may require, to cause other ballots to be prepared as nearly in the form prescribed in section thirty-three hereof as practicable, but without the endorsement or mark on the back thereof; and upon receipt of ballots thus

prepared from the clerk of such township, city or municipality, accompanied by a statement under oath of the persons preparing the same, that the same have been so prepared and furnished, because the original ballots have so failed to be received or have been destroyed or stolen, and that other official ballots could not be obtained in time for such election; or where such board of election has caused such unofficial ballots to be prepared, the board of election shall cause the ballots so substituted to be used at the election; if from any cause neither the official ballots nor ballots otherwise prepared as herein prescribed shall be ready for distribution at any polling place, or if the supply of ballots shall be exhausted before the polls are closed, unofficial ballots made as nearly as possible in the form of the official ballots may be used; where unofficial ballots are used in pursuance of this section, they shall be enclosed in the official envelopes, if such envelopes are to be had, otherwise no envelopes shall be used; should the official envelopes provided for any election district be lost, stolen or destroyed, the official ballots, if such are being used at such election, shall be voted by folding the same so as to disclose the official stamp on the back thereof, without inclosing the ballot in any envelope; where the use of the official ballots and envelopes, or either of them, is, for any of the reasons aforesaid, dispensed with, the mode and manner of voting shall, nevertheless, in all respects conform as near as possible to the directions and requirements of section forty-seven hereof.

37. *And be it enacted*, That if any duly qualified voter residing in any county or municipality of this state shall, at least ten days before any election to be held in such county or municipality thereof, notify the clerk of such county or municipality in writing that such voter requires a specified number of the

official ballots, not less than fifty in number, of any party, organization or petitioners for a voting precinct or precincts, to be designated, and requesting the same to be furnished him, it shall be the duty of such county or municipal clerk to cause such official ballots of the kind hereinbefore described to the number and for the voting precincts requested by such voter, to be printed and ready for delivery to such voter or his agent, at the office of such county or municipal clerk at least five days before the election at which said ballots are intended to be used; *provided*, that said county or municipal clerk shall not cause any ballots to be printed for any voter requesting the same to be furnished unless at the time of the delivery to him of the written notification and request for such ballots the voter presenting the same shall pay to such county or municipal clerk a sum of money sufficient to pay for the printing of all ballots requested by such voter, which money paid shall be used by said county or municipal clerk in paying for the ballots printed at the request of such voter.

38. *And be it enacted*, That such ballots so as aforesaid printed for and delivered to any such voter may be distributed before election day, and the same may be voted by any voter desiring so to do under the restrictions and regulations hereinafter prescribed.

39. *And be it enacted*, That if any ballot voted at any election shall have thereon, either on its face or back, any mark, sign, designation or device other than is permitted by this act, whereby such ballot can or may be identified or distinguished from other ballots cast at such election, such ballot shall be absolutely void and shall not be canvassed or counted for any candidate named thereon; and if on the face or back of any envelope inclosing any ballot there shall be any mark, sign, designation or device what-

soever other than is permitted by this act, whereby such envelope can or may be identified or distinguished from any other official envelope used at such election the ballot inclosed in such envelope shall be absolutely void and shall not be counted for any candidate named thereon.

40. *And be it enacted*, That nothing in this act contained shall prevent any voter from erasing from his ballot any name or names thereon printed, or from writing or pasting thereon the name or names of any person or persons for whom he desires to vote for any office; the ink or lead pencil to be used in writing any name or names upon the ballots shall be black in color, and the use of any other colored ink or pencil shall invalidate the entire ballot; and all pasters used shall be printed on white paper only, and pasters printed on other than white paper shall invalidate the entire ballot; the ballots shall be printed and in possession of the county or municipal clerk at least five days before the election and subject to inspection and examination by the candidates and their agents; if any mistake is discovered it shall be the duty of the county or municipal clerk to correct the same without delay, by causing new ballots to be immediately printed in place of those found to be inaccurate or incomplete, and those found to be inaccurate or incomplete shall be immediately destroyed.

41. *And be it enacted*, That whenever any person nominated for public office by any of the modes in this act provided, shall, at least ten days before the day of election, in a writing signed by him and duly acknowledged, notify the officer with whom the original certificate of his nomination was filed that he declines such nomination, the same shall be void and his name shall not be printed upon the ballots; the officer to whom such notification is given shall forth-

with inform, by mail or otherwise, the chairman and secretary whose names are attached to the original certificate of nomination, if the nomination was by certificate, that such nomination has been declined; or if the nomination was by petition, then the officer to whom the notification or declination is given shall forthwith, by mail or otherwise, inform at least five of the persons who signed the petition nominating such candidate that such nomination has been declined.

42. *And be it enacted*, That should any person so nominated die before election day or decline the nomination as in this act provided, or should any certificate of nomination be insufficient or inoperative, the vacancy or vacancies thus occasioned may be filled in the manner required for original nominations; if the original nomination was made by a party convention which had delegated to a committee the power to fill vacancies, such committee may, upon the occurring of such vacancies, proceed to fill the same; the chairman and secretary of such committee shall thereupon make and file with the proper officer a certificate setting forth the cause of the vacancy, the name of the person nominated, the office for which he was nominated, the name of the person for whom the new nominee is to be substituted, the fact that the committee was authorized to fill vacancies and such further information as is required to be given in an original certificate of nomination, the certificate so made shall be executed, acknowledged and sworn to by the chairman and secretary of such committee in the manner prescribed for the original certificate of nomination, and shall, upon being filed at least eight days before election, have the same force and effect as an original certificate of nomination; when such certificate shall be filed with the secretary of state, he shall, in certifying the nominations

to the various county clerks, insert the name of the person who has thus been nominated to fill a vacancy in place of that of the original nominee, and in the event that he has already sent forward his certificate he shall forthwith certify to the clerks of the proper counties the name and description of the person so nominated to fill a vacancy, the office he is nominated for, the party or political principle he represents and the name of the person for whom such nominee is substituted.

43. *And be it enacted*, That whenever a question or proposition is to be submitted to the people of the state or any subdivision thereof at any election, such proposition or other question to be submitted shall be printed upon each official ballot beneath the list of candidates thereon; if such question or proposition be marked off or defaced upon the ballot it shall be counted as a vote against the same; if it be not marked off or defaced it shall be counted as a vote in favor thereof.

44. *And be it enacted*, That all certificates of nomination which are in apparent conformity with the provisions of this act shall be deemed to be valid, unless objection thereto shall be duly made in writing within five days after the filing of the same; in case such objection is made, notice thereof shall forthwith be mailed to all candidates who may be affected thereby, addressed to them at their respective places of residence, as given in the certificate of nomination; the officer with whom the original certificate was filed shall, in the first instance pass upon the validity of such objection, unless an order shall be made in the matter by a court of competent jurisdiction.

45. *And be it enacted*, That whenever it shall appear that any error or omission has occurred in the printing of the ballots by any county or municipal

clerk, any voter resident in the county where the error or omission occurs may present to the justice of the supreme court holding the circuit court in and for said county, a verified statement setting forth such error or omission, and such justice being satisfied thereof shall thereupon summarily, by his order, require the county or municipal clerk to correct such error or show cause before said justice, at the shortest possible day, why such error should not be corrected.

46. *And be it enacted*, That it shall be the duty of the clerks of the several townships, cities and municipalities of the state at least thirty days before any election to be held under the provisions of this act, to provide for and secure in each election district or voting precinct of their respective townships, cities and municipalities a suitable room in which to hold the election, and immediately upon procuring such room said township or other clerk shall notify the election or poll clerks and the board of registry and election of the precinct or voting district that such room has been procured and where the same is located; and it shall be the duty of the clerk procuring such room to have constructed therein and ready for use before election day, booths or compartments with swinging doors so arranged that some part of the person of a voter standing in said booths or compartments may be seen from the outside of the compartments when the door is closed, in which booths or compartments voters may, if they so desire, procure and prepare their ballots secretly and screened from the observation of others; each booth or compartment shall contain a counter or shelf suitably placed to enable voters to place their ballots thereon while preparing the same for voting; the number of such booths or compartments shall not be less than one for every seventy-five votes cast at the next pre-

ceding election held in such district or precinct for the members of the general assembly, and not less than five such booths or compartments shall be provided in any polling place; said booths or compartments shall be erected within a railed enclosure separating the same from the remainder of the room, and not more than one person, except as hereinafter provided, shall be permitted to enter or be in the same booth or compartment at one time; the said booths or compartments shall be so arranged and constructed that all the officers conducting the election can see whether more than one person enters or is in any of such booths or compartments at the same time; each compartment shall be kept provided by said election board with a sufficient supply of official ballots of each party, organization or set of petitioners, and with lead pencils; the ballot boxes at every polling place shall be within said railed enclosure, and so placed that the voter may deliver his ballot to the election officers after emerging from the compartment, before leaving the railed enclosure within which the compartments and ballot bexes are placed; such railed enclosure shall be provided with a single entrance by which voters shall enter, and a single exit by which they shall leave the same; said compartments shall be at all hours well and sufficiently lighted to enable voters to read and prepare their ballots with ease; except as in this act otherwise provided, no person shall be allowed within said railed enclosure while the election is in progress, other than the election officers and poll clerks and voters entering the same for the purpose of preparing their ballots and voting at such election, and the agents of the parties or candidates when a person is challenged; and no person shall be allowed or permitted to be present in the polling room outside such a railed enclosure during the progress of the election,

except the officers connected with the election, the several candidates or either of them, the duly authorized agents of the candidates or political parties as hereinafter specified, such voters as are actually present for the purpose of voting, and such officers as may be duly authorized to be present pursuant to this act, for preserving the peace or enforcing the provisions thereof; the arrangement of such polling place shall, as to said railed enclosure, and the entrance thereto and exit therefrom, and the location of the compartments and ballot-box within such enclosures, be substantially as shown in and by schedule A to this act annexed and forming part hereof.

47. *And be it enacted*, That immediately on entering said railed enclosure each voter shall be furnished by a member of the board of election, to be stationed in close proximity to the entrance of said railed enclosure, with at least one of each of the official ballots provided for use in the polling room at said election, and with one and only one of the official envelopes provided for such election; it shall be the duty of the board of election to see that at least one official ballot of each party, organization or set of petitioners, and one official envelope, is delivered to each voter as he enters said railed enclosure and before his entry into any compartment; *provided*, that in those cases where, by the provisions of this act, a sufficient number of official ballots for that purpose shall not have been delivered to the board of election by the county or municipal clerk for any organization, party or group of petitioners, it shall and may be lawful for such organization, party or group of petitioners to deliver to the board of election official ballots, in number sufficient to furnish one of such ballots to each voter, and it shall then be the duty of such board of election to provide each voter with such ballots in the manner provided for in this

section; no person shall be permitted to vote at said election until after he shall have received said ballots and envelope in manner aforesaid, and carried the same with him into one of the compartments; having obtained said ballots and envelope, the voter shall, with the same in his possession, without delay and without leaving said railed enclosure, retire alone to one of said booths or compartments and enter the same and close the door thereof, and remain therein such length of time, not exceeding five minutes, until he shall have inclosed in said official envelope the ballot he intends voting, in such manner as to conceal all printing, writing or pasters on the face of said ballot, whether said ballot was procured from said election officer or within said compartment or elsewhere; on leaving the booth or compartment the voter shall forthwith and before leaving said railed enclosure, deliver his ballot, inclosed in said envelope as aforesaid unsealed, but with the flap thereof turned down so as to conceal the ballot therein, to a member of the election board at the ballot box, who shall immediately deposit the same in the ballot box in the presence of the voter, after which the voter shall, without unnecessary delay, leave the polling room, and no ballot (except as in this act otherwise provided) shall be counted unless the same shall be inclosed, in an unsealed official envelope in the manner therein provided.

48. *And be it enacted*, That any voter who declares under oath and establishes to the satisfaction of a majority of all the members of the board of election, that, by reason of blindness of other physical disability, he is unable to enter and remain in a booth or compartment or to prepare his ballot therein for voting as aforesaid without assistance, shall be permitted to bring with him to such booth or compartment a person of his own selection, who may retire

with such disabled voter to the booth or compartment and assist him in the preparation of his ballot and enclosing and sealing the same in said envelope as the disabled voter shall direct, in order that it may be cast by such disabled voter as his ballot; the poll clerks shall make a memorandum on the poll lists of every instance when an oath was administered to a voter as herein provided, stating briefly what facts were sworn to and the name of the person or persons who aided the voter in preparing his ballot; no voter shall divulge to anyone within the polling place the name of any candidate for whom he intends to vote, nor shall he ask for and receive the assistance of any person within the polling place in the preparation of his ballot except as prescribed in this section; no person who assists a voter in the preparation of his ballot as herein provided shall reveal to another the name of any candidate for whom the voter has voted, or anything that took place while he was assisting such voter in preparing said ballot for voting.

49. *And be it enacted*, That the chairman of the county committee of any political party that has duly nominated any candidate for public office to be voted for at any election by all the voters within said county or any subdivision thereof greater than a single municipality only, or where the election is within and for a single municipality only, or any subdivision thereof, then the chairman of the committee of the political party making such nomination within and for such single municipality or such division thereof may appoint under his hand two agents for each polling place in his county or municipality, as the case may be; and any candidate duly nominated by petition for any office, whose name may appear upon the ballot to be used in any election, may likewise appoint under his own hand two agents for each polling place; *provided, however*, that only two

agents shall be allowed for each polling place to represent all the candidates nominated in and by the same petition or group of petitioners; such agents shall be the authorized agents in section forty-six of this act mentioned; they may act as challengers for their respective parties and candidates; the appointment of agents shall be made in writing, under the hand of the person making the appointment, and shall specify the names and residences of the agents and the election districts for which they are severally appointed; such appointment papers shall be filed with the respective clerks of the cities, townships and municipalities within which the respective election districts are situate, five days before the election, and the clerks shall thereupon issue, under their hands, to the persons named in such appointment papers, permits for them to act as agents for their respective parties or candidates at the election district specified; such permits shall be presented by the person named therein to the board of election in the district named therein, as their authority to be present in the polling place; said agents may also be present inside said railed enclosure while the votes cast at any election at which they were agents are being counted, and hear and see said ballots counted; the counting of all ballots at any election shall be open and public, but not to the extent that the number present shall hinder, delay or inconvenience the election officers in counting the ballots and ascertaining the result.

50. *And be it enacted*, That none of the provisions of this act, from and including section twenty thereof to and including section forty-nine thereof, shall apply to or in anywise affect the "town meetings" hereafter to be held in this state or any subdivision thereof.

51. *And be it enacted*, That except as herein other-

wise directed, the boards of election, in counting, canvassing, certifying and returning the votes cast at any election, shall proceed as now required by law.

52. *And be it enacted*, That whenever, within twenty days next succeeding any election in any election district or voting precinct in any county in this state, a petition duly certified as to signatures, legal qualifications as voters and residences of the signers thereto, and establishing *prima facie*, by affidavits thereto annexed, to the satisfaction of the justice to whom the same is presented, the material allegations and statements therein contained, shall be presented to the justice of the supreme court holding the circuit court in and for said county, signed by at least twenty-five legal voters resident in said election district or voting precinct, setting forth that at the last preceding election in such election district or voting precinct fraud or bribery or other illegal practices were resorted to and prevailed sufficiently to affect the result of such election, or that by reason of the death or resignation of any candidate to be voted for at such election, or that by reason of non-supply or an insufficient supply of ballots at such election (such non-supply or insufficient supply of ballots occurring through no fault of the petitioners or any of them), or for any other good and sufficient cause, stated and set forth in said petition, the voters of such election district or voting precinct have been deprived of a fair opportunity to express their choice for any candidate or candidates at such election, it shall be the duty of such justice, in a summary way to investigate the truth of the statements and allegations in such petition contained, and to that end and for that purpose it shall be the duty of such justice to appoint a time and place within said county, not later than ten day thereafter,

when and where he will proceed to hear and determine said matter, of which time and place so appointed the petitioners shall cause at least six days' notice to be given to all such persons as said justice shall direct; at such time and place so appointed said justice shall proceed in a summary manner to hear and determine said matter, unless it be adjourned for good cause shown; if, on such hearing it shall be determined that the allegations of such petition are not sustained, or if sustained should not invalidate said election in whole or in part, such petition shall be dismissed; if the allegations of the petition be sustained, and the said justice shall be of the opinion that at such election, fraud, bribery or other illegal practices were resorted to and prevailed to such an extent as to affect the result of such election, or that by reason of the death or resignation of any candidate voted for at such election, or that by reason of a non-supply or an insufficient supply of ballots at such election, or that for any other good and sufficient legal cause the voters of such election district or voting precinct were deprived of a fair opportunity to express their choice for any candidate or candidates at such election, it shall be the duty of said justice to make an order setting aside and nullifying said election as to such candidate or candidates, and such order shall forthwith be filed in the office of the county clerk; when said justice shall make any such order as last aforesaid he shall also, at the same time, make another order wherein and whereby he shall order a new election to be held within such election district or voting precinct to fill the office or offices in respect to which the former election was nullified and set aside at the earliest possible day; if the mode and manner of holding and conducting such new election be not provided for by law, such justice shall, in and by

his order last aforesaid, prescribe and determine the mode and manner and the regulations under and in pursuance of which the same shall be held and conducted ; said last mentioned order shall be forthwith filed in the office of the county clerk, and copies thereof, within two days thereafter, served upon the election officers of the election district or voting precincts affected thereby ; said election officers shall proceed and hold said new election pursuant to said last mentioned order, and shall certify the result thereof to such justice, and said justice shall thereupon make and sign a certificate declaring the result and the name or names of the persons elected, and shall file such certificate, together with the result certified to him by such election officers, in the office of the county clerk, and such certificate of such justice shall, within constitutional limits be final and conclusive on all persons and parties ; copies of the said certificate, certified by the county clerk, shall be evidence and equally conclusive as the original signed by said justice.

53. *And be it enacted,* That for the duties and services imposed upon and required of them by this act the county clerks of the several counties and the clerks of the different municipalities shall be paid out of the county funds of their respective counties or the funds of their respective municipalities, as the case may be, a fair and reasonable compensation, to be ascertained and determined, in the cases of the county clerks, by the boards of chosen freeholders of their respective counties ; and in case of said municipal clerks, by the governing bodies of their respective cities, townships or municipalities.

54. *And be it enacted,* That all costs, charges and expenses incurred by the county and municipal clerks in carrying out the provisions of this act, except for ballots provided for and furnished to indi-

viduals as hereinbefore provided, shall be borne and defrayed by the respective counties and municipalities in the same manner as other county and municipal expenses are borne and defrayed; but all bills made or incurred by any county or municipal clerk in carrying out the provisions of this act shall be itemized, and before being paid shall be verified by the oath of the claimant and audited and approved by the county or municipal clerk as correct.

55. *And be it enacted*, That the charges and expenses incurred for rooms for polling places and fitting up and arranging the same as in and by this act required, shall be borne and defrayed by the respective counties and municipalities as may be proper under this act, out of county and municipal funds, as other county and municipal expenses are paid and defrayed; but all such bills before being paid shall be itemized and verified by the oath of the claimant and audited and approved by the clerk of the township, city or municipality who contracted the bill charged for; the services rendered and expenses incurred by any other officer or person in carrying out the provisions of this act and not herein provided for, shall be regarded as election expenses, and be paid and defrayed by the respective counties and municipalities in the same manner as other election services and expenses are now paid for and discharged.

56. *And be it enacted*, That it shall be the duty of the boards of election of each and every election district or voting precinct in this state to preserve the peace and maintain good order in their respective polling places during the progress of all elections and the counting of the votes cast thereat, and to that end and for that purpose each member of every election board, not including poll clerks, during the progress of any election and the counting and canvassing of the votes, shall be and hereby are invested

and charged with all the powers and duties of constables of this state in criminal matters; said boards of election may also, when in their opinion or the opinion of a majority of them it shall be necessary so to do, appoint by writing, under their hands, a suitable person as special officer to assist in preserving the peace and good order in and about the polling place during the progress of any election and the counting of the votes cast thereat; said special officer shall be and hereby is, for and during said election and the counting of the votes cast thereat, clothed and invested with all the powers and duties of constables of this state in criminal cases; said special officers so appointed shall be paid the sum of three dollars for their services as such special officer, the same to be paid as other election expenses now are or hereafter may be by law paid; said election boards, or a majority of them, may also, by writing under their hands whenever in their opinion it shall be necessary so to do, request the municipal authority of any municipality within which their election district or voting precinct is situate, or the body or officer having charge and direction of the police force in such municipality, to detail one or more policemen to assist in preserving the peace and good order in and about such polling place, which request of said board of election shall forthwith be complied with as far as possible by the body or officer to whom the same is made.

57. *And be it enacted*, That for the services and duties required and imposed upon them under and by this act, the members of the boards of registry and election and the election or poll clerks shall receive the sum of three dollars per day, to be paid as other election expenses are now paid; and in determing the amount of such compensation eight hours shall constitute a day's work.

58. *And be it enacted*, That immediately upon the appointment by the county boards of registration of the boards of registry and election as provided for in this act, the term or terms of office of all judges and inspectors of election and all poll clerks and clerks of election heretofore appointed or elected shall cease and determine, and hereafter no such judge, inspector or clerk of election shall exercise or assume any of the duties of an election officer under or by virtue of such prior appointment or election; *provided*, that the provisions of this section shall not apply to any of the election officers heretofore appointed or elected within and for any municipality wherein the elections are to be held and conducted in pursuance of sections twenty and twenty-one of this act.

59. *And be it enacted*, That it shall be the duty of the secretary of state, at the expense of the state, in all cases where the ballots are provided and furnished by the county clerks for any election, to provide proper and sufficient canvassing books, poll books, registry books, cards or pamphlets of instructions for election officers and voters, blanks for the official oaths and for election returns, for the proper carrying into effect the provisions of this act, and to furnish a sufficient supply of the same to the clerks of the different counties of the state, for use in such counties, at least ten days before the same shall be required for use; and the said county clerks shall cause the same to be delivered to the different boards of registry and election in their respective counties at such times and in such quantity as will enable the provisions of this act to be fully carried out.

60. *And be it enacted*, That no person shall falsely make, or make oath to, or fraudulently deface or fraudulently destroy any certificate of nomination or petition, or any part thereof, or file, or receive for

filing, any certificate of nomination or petition, knowing the same or any part thereof to be falsely made, or suppress any certificate of nomination or petition which has been duly filed, or any part thereof, or forge or falsely make the official indorsement of any ballot or official envelope; every person violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment in state prison not less than one year nor more than five years.

61. *And be it enacted*, That no person shall, during the election, with intent to hinder or delay said election, or to hinder or delay any voter in the preparation of his ballot, remove or destroy any of the ballots or pencils placed in the booths or compartments for the purpose of enabling the voter to prepare his ballot, nor on any pretext carry any official envelope from the polling room during the election, nor shall any person, prior to or on the day of election, deface or destroy any list of candidates posted in accordance with the provisions of this act; any person willfully violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by fine not exceeding five hundred dollars, and imprisonment until such fine and the costs of conviction are paid.

62. *And be it enacted*, That every public officer upon whom any duty is imposed by this act, who willfully or negligently violates his said duty, or who neglects or willfully omits to perform the same, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment for a term of not less than six months and not more than three years, or by a fine of not less than two hundred and fifty dollars and not more than three thousand dollars, or both such fine and imprisonment; any person charged with the care of official

ballots or envelopes under this act, who shall willfully destroy them, or either of them, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment in state prison not less than one year nor more than five years; any person who has undertaken to deliver official ballots and envelopes to the clerk of any city, township or municipality, and willfully or negligently neglects or refuses so to do, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment in the county jail for not less than six months nor more than one year.

63. *And be it enacted*, That no person shall do any electioneering on election day within any polling place, or publicly within one hundred feet of any polling place; no person shall within the polling room show his ballot after it is prepared for voting to any person in such a way as to reveal the contents, nor shall any person within the polling place or within one hundred feet thereof solicit the voter to show the same; no voter shall knowingly vote or offer to vote any ballot except an official ballot inclosed and sealed in an official envelope, as by this act required; any person violating any of the foregoing provisions of this section shall incur a penalty of twenty-five dollars for each any every offense, to be recovered by action of tort, before any court of competent jurisdiction, by any person who bona fide shall first bring suit therefor; no voter shall place or permit to be placed any mark upon the face or back of his ballot of official envelope by which the ballot or envelope may afterwards be identified by any other person as the one voted by him; whoever shall violate this last mentioned provision of this section shall be deemed guilty of a misdemeanor, and on conviction shall be punished by a fine not exceeding five hundred dollars or imprisonment not

exceeding one year, or both, at the discretion of the court.

64. *And be it enacted*, That if any printer employed by any county or municipal clerk to print the official ballots and envelopes, or either or any of them, for such clerks, or any person engaged in printing the the same, shall appropriate to himself or give or deliver or knowingly permit to be taken any of said ballots or envelopes by any other person than such county or municipal clerk or his duly authorized agent, or shall print or cause to be printed any official ballot or envelope in any other form than that prescribed by such county or municipal clerk, or with any other names thereon, or with the names spelled or the names or printing thereon arranged in any other way than that authorized and directed by this act, such person so offending shall be guilty of a misdemeanor, and on conviction thereof shall be punished by fine not exceeding one thousand dollars or imprisonment not exceeding five years, at the discretion of the court before which conviction is had.

65. *And be it enacted*, That if any person shall write, paste or otherwise place upon any official ballot or envelope any mark, sign or device of any kind as a distinguishing mark whereby to indicate to any member of any election board or other person how any voter has voted at any election, or if any person shall induce or attempt to induce any voter to write, paste or otherwise place on his ballot or envelope any mark, sign or device of any kind as a distinguishing mark by which to indicate to any member of any election board or other person how such voter has voted, or shall enter into or attempt to form any agreement or conspiracy with any other person to induce or attempt to induce voters or any voter to so place any distinguishing mark, sign or device on his ballot or envelope, whether or not said

act be committed or attempted to be committed, such person or persons so offending shall be guilty of a misdemeanor, and being thereof convicted shall be punished by a fine not exceeding five hundred dollars, or imprisonment not exceeding one year, or both, at the discretion of the court.

66. *And be it enacted*, That if any member of any board of election or any clerk of election have knowledge how any person has voted and shall reveal such knowledge to any other person, or shall disclose what other candidates were voted for on any ballot bearing a name not printed thereon, or give any information concerning the appearance of any ballot or envelope voted, such person so offending shall be guilty of a misdemeanor, and on conviction thereof shall be punished by fine not exceeding two thousand dollars or imprisonment not exceeding five years.

67. *And be it enacted*, That if any person shall directly or indirectly, by himself or by any other person in his behalf, give, lend or agree to give or lend, or shall offer, promise, or promise to procure or to endeavor to procure any money or other valuable consideration or thing to or for any voter, or to or for any person in order to induce any voter to vote or refrain from registering for any election, or shall corruptly do or commit any of the acts in this section mentioned on account of any such voter having voted or refrained from voting at an election, or registered or refrained from registering for an election, such person so offending shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine and imprisonment, or both, at the discretion of the court, the fine not to exceed two thousand dollars and the imprisoment not to exceed five years.

68. *And be it enacted*, That any person who shall, directly or indirectly, by himself or by any other per-

son in his behalf, give or procure, or agree to give or procure, or offer or promise to procure, or endeavor to procure any office, place or employment to or for any voter, or to or for any person on behalf of such voter, or to or for any other person, in order to induce such voter to vote or refrain from voting, or to register or refrain from registering, or shall corruptly do any act as aforesaid on account of any voter having voted or refrained from voting, or having registered or refrained from registering for any election, shall be guilty of a misdemeanor, and being thereof convicted shall be punished by fine not exceeding two thousand dollars, or imprisonment not exceeding five years, at the discretion of the court.

69. *And be it enacted*, That any person who shall give, advance or pay, or cause to be given, advanced or paid, any money or other valuable thing, to any person, or to the use of any other person, with the intent that such money or other valuable thing, or any part thereof, shall be expended or used for bribery of voters, or for any other unlawful purpose at any election, or who shall knowingly pay or cause to be paid any money to any person wholly or in part expended in bribery of votes at any election, shall be guilty of a misdemeanor, and on conviction thereof shall pay such fine not exceeding two thousand dollars, or undergo such imprisonment not exceeding ten years, as the court in its discretion may impose.

70. *And be it enacted*, That any voter who shall, directly or indirectly, by himself or by any other person on his behalf, receive, agree or contract for any money, gift, loan or valuable consideration, office, place or employment for himself or any other person, for voting or agreeing to vote, or for refraining or agreeing to refrain from voting at any election, or for registering or agreeing to register, or for refraining or

for agreeing to refrain from registering for any election, shall be guilty of a misdemeanor, and being thereof convicted shall be punished by fine not exceeding one thousand dollars, or imprisonment for not longer than one year, at the discretion of the court before which conviction is had.

71. *And be it enacted*, That any employer of any workmen, or any agent, superintendent or overseer of any company or corporation employing workmen, or any person whomsoever, who shall directly or indirectly, by himself or by any other person in his behalf or by his direction make use of or threaten to make use of any force, violence or restraint, or inflict or threaten to inflict by himself or by any other person any injury, damage harm or loss against any person or persons in his employ, in order to induce or compel such employee or employees to vote or refrain from voting for any particular candidate or candidates at any election, or on account of such employee or employees having voted or refrained from voting for any particlular candidate or candidates at any election, or who shall by any sort of duress, constraint, or improper influence or by any fraudulent or improper device, contrivance or scheme, impede, hinder or prevent the free exercise of the franchise of any voter at any election, or shall thereby compel, induce or prevail upon any voter to vote for or against any particular candidate or candidates at any election, shall be guilty of a misdemeanor, and being thereof convicted shall be punished by a fine not exceeding two thousand dollars, or imprisonment not exceeding five years, or both, at the discretion of the court before which conviction is had.

72. *And be it enacted*, That on the trial of any indictment against any person or persons for violation of any of the provisions of this act, all witnesses sworn on any such trial shall truly answer all ques-

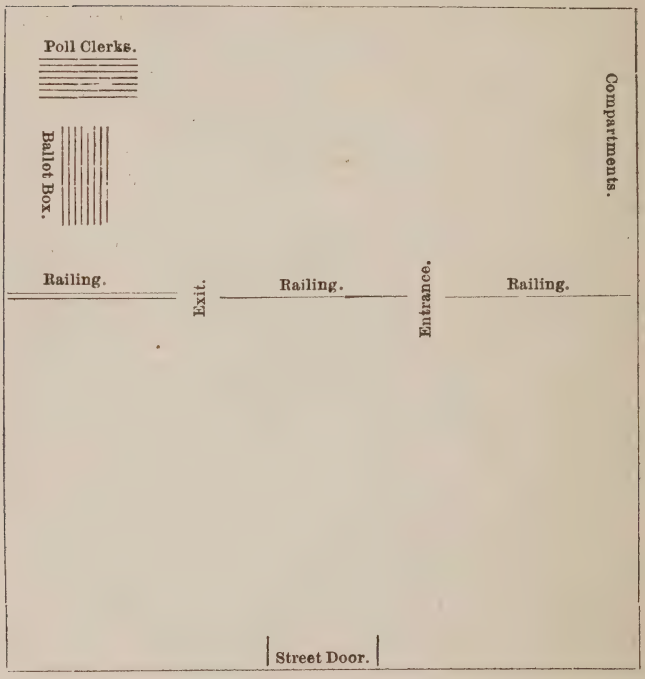
tions put to them which the court shall decide to be proper and pertinent to the issue involved; and no witness shall be excused from answering any such question on the ground that to answer the same might or would incriminate him, or might or would tend to criminate him; but no answer or answers made by any witness to any such question shall be used or admitted in evidence in any proceeding against said witness, except in case of a criminal proceeding for perjury in respect to his answers to such questions.

73. *And be it enacted*, That in addition to the penalties hereinbefore provided for violations of any of the provisions of this act, the court imposing such penalties may add thereto, that such offender be thenceforth disfranchised as a voter and disqualified to hold any office of trust or profit within this state for such length of time as such court may deem proper.

74. *And be it enacted*, That so much and such parts of all acts and parts of acts as are inconsistent herewith, or repugnant hereto, be and the same are hereby repealed; *provided*, nevertheless, that nothing in this act contained shall be held or construed to in anywise absolve or relieve any person or persons from any liability, penalty, prosecution, indictment or punishment, for or on account of any violation of any law now in being.

Approved May 28, 1890.

Schedule A.—Polling Room.



Wards.

CHAPTER CLIII.

An Act to create a Fourth ward in the city of Hoboken.

LIMITS OF THE FOURTH WARD.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That a Fourth ward be and the same is hereby created and erected in the city of Hoboken, to be composed of all that part of the First ward in said city, lying west of the centre line of Willow street in said city.

RIGHTS AND PRIVILEGES.

2. *And be it enacted*, That the said Fourth ward shall be entitled to the same representation in the council of said city, and to all the other rights and privileges of the other wards in said city.

3. *And be it enacted*, That this act shall be a public act and take effect immediately.

Approved March 16, 1869.

BOUNDARIES OF SECOND AND THIRD WARDS.

4. *And be it enacted*, That all that portion of the territory annexed to the city of Hoboken by the first section of this act, lying east of the centre line of Bloomfield street, shall be a part of and belong to the Second ward of the city of Hoboken, and all that portion of said territory annexed to said city as aforesaid, lying west of the centre line of Bloomfield street, shall be a part of and belong to the Third ward of the city of Hoboken.

SEVENTH ASSEMBLY DISTRICT.

5. *And be it enacted*, That all of the territory, by the first section of this act annexed to the city of Hoboken, shall belong to and be included in the Seventh assembly district of the county of Hudson.

6. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

7. *And be it enacted*, That this act shall take effect immediately.

Approved March 21, 1874.

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* Sections 1, 2 and 3 of this act relate to boundaries of the city and will be found under that title.

CHAPTER CCCXVII.

A further supplement to an act entitled "An act to incorporate the city of Hoboken," approved March twenty-eighth, one thousand eight hundred and fifty-five.

NUMBER OF COUNCILMEN.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That on and after the first Monday in May next, the council of the city of Hoboken shall be composed of two councilmen from each ward of said city.

MEMBERS TO DIVIDE BY LOT INTO CLASSES, &C.

2. *And be it enacted*, That the councilmen of each ward, first elected under and by virtue of this act, shall, at their first meeting after their election, by lot divide themselves into two equal classes, one of which shall go out of office at the expiration of the first year, and the other at the expiration of the second year; and that on the second Tuesday of April, of the year one thousand eight hundred and seventy-six, and every year thereafter, there shall be elected one person as councilman from each ward, who shall hold his office for two years.

WHEN WARDS MAY BE DIVIDE INTO DISTRICTS.

3. *And be it enacted*, That whenever any ward shall poll over eight hundred votes at any election, the council of the city of Hoboken may by ordinance divide the same into two election districts, making the

said district as nearly equal in respect to votes as possible; and a judge and inspectors of election and a ward clerk may be thereafter elected within and for each of said districts; whenever any such division shall be made, it shall be the duty of the council at the time of making the same, to appoint an additional judge of election, two inspectors of election and one ward clerk for said ward, who shall serve until their successors are elected; the officers so appointed shall perform their duties within the election district within which they shall severally reside; and in making such appointment, the council shall have reference not only to the residence of the officers so appointed, but to the residence of the like officers already elected for said ward; the said inspectors so appointed shall not belong to the same political party.

Approved April 6, 1875.

CHAPTER CCXXXV.

A further supplement to an act entitled "An act to regulate elections," approved April eighteenth, eighteen hundred and seventy-six.

WARDS TO BE DIVIDED INTO ELECTION DISTRICT.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any ward or any election district in any ward shall be cut by the line or lines of one or more assembly districts, so that such ward shall not be wholly within the lines of one assembly district, that in every such case it shall be the duty of, and the board of aldermen are hereby required to forthwith divide such ward into election districts, so that each election district in such ward shall be wholly within such ward, and wholly within one assembly district; and such division shall be made notwithstanding the result of such division is to make election districts that shall contain less than six hundred voters each; and in any division thereafter of such ward into election districts, such division shall be made in the above way and manner, and no other; *provided, however*, that if the division hereby provided for shall leave a portion of a ward containing more than six hundred voters, the same shall be divided into election districts in the manner now required by law.

APPOINTMENT OF ELECTION OFFICERS.

2. *And be it enacted*, That the board of aldermen are hereby required, whenever such division shall be made as required by this act, to appoint, in time

for the next general election or next municipal election next thereafter, two inspectors and one judge of election and one clerk of election for each of said districts so set-off, who shall be residents of the election districts in which they are appointed, and who shall serve until their successors are elected; the said inspectors so to be appointed shall not belong to the same political party; the board of aldermen are also hereby required, within the time aforesaid, to establish a polling place in and for every election district.

ALL GENERAL AND MUNICIPAL ELECTIONS TO BE HELD IN DISTRICTS.

3. *And be it enacted*, That all general elections and all municipal or other elections that may hereafter take place in any such ward, after such division of the same into election districts as provided in this act, shall be held in such election districts created under this act, and not otherwise.

HOW CONSTRUED.

4. *And be it enacted*, That for the purpose of this act the term ward shall be construed to include "aldermanic district," "town" and "township," and the term board of aldermen shall be construed to include a "council," "common council," "township committee," and any similar body by whatever name designated.

Approved April 5, 1878.

CHAPTER CLXXXIII.

An Act concerning division of wards in cities of this state.

DIVISION OF WARDS HOW MADE.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the city council or other legislative body of any city of this state, shall have power to divide one of the wards of said city into two wards once in five years; *provided*, three-fourths of the members of said legislative body shall agree thereto and the same shall be approved by the mayor of said city.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 25, 1884.

CHAPTER LXXXIV.

An Act to amend an act entitled "An act concerning divisions of wards in cities of this state," approved April twenty-fifth, one thousand eight hundred and eighty-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of an act entitled "An act concerning division of wards in cities of this state," approved April twenty-fifth, one thousand eight hundred and eighty-four, be amended so as to read as follows:

CITY COUNCIL EMPOWERED TO DIVIDE WARDS.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the city council or other legislative body of any city in this state, shall have power to divide one of the wards of said city into two wards, once in five years, by an ordinance to be passed for that purpose, in accordance with the charter of such city, but by a two-thirds vote of the members of said legislative body.

2. *And be it enacted*, That this act shall take effect immediately.

Passed February 29, 1888.

CHAPTER CCLXXXIV.

An Act concerning ward and district lines in cities of this state.

MUNICIPAL AUTHORITIES EMPOWERED TO DIVIDE CITY INTO WARDS AND DISTRICTS.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the common council, board of aldermen or other legislative body of any city of this state shall have power, by ordinance, to divide said city up into wards, or aldermanic districts, and to change the lines and boundaries of the present wards and aldermanic districts therein once in five years; *provided*, that no additional wards or aldermanic districts shall be created in such city under the provisions of this act; *and provided, further*, that three-fourths of all the members of said legislative body shall agree to the passage of said ordinance, and the same shall be approved by the mayor of said city.

2. *And be it enacted*, That this act shall take effect immediately.

Approved May 9, 1889.

CHAPTER CCLXXXV.

An Act amendatory to an act entitled "An act concerning divisions of wards in cities of this state."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An act concerning divisions of wards in cities of this state," approved April twenty-fifth, one thousand eight hundred and eighty-four, be amended so as to read as follows:

WHEN WARDS IN CERTAIN CITIES MAY BE DIVIDED.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in cases where, in any city of not more than fifty thousand inhabitants already divided into wards, there shall have been polled in any such ward, at the last presidential or any subsequent election, more than one thousand legal votes, the common council or other legislative body of such city shall have power, by resolution passed by a two-third vote of their number and approved by their mayor, to divide any said ward into two wards, and to designate said wards by names or numbers; *provided*, the provisions of this section shall not now or hereafter apply to any city of this state wherein the boundary lines of the wards therein are required by law to conform to the assembly district lines in any such city.

WARD ENTITLED TO LIKE REPRESENTATION IN COMMON COUNCIL, &C.

2. *And be it enacted*, That from and after the an-

nual municipal election next succeeding such division of a ward into two wards, each ward thereby created shall have the same representation in the common council or other governing body to which the ward so divided was, at the time of such division, entitled under the terms of the act or acts regulating representation therein; and that at the annual municipal election next succeeding such division, the legal voters of each ward thereby created shall elect, by ballot, the municipal representative or representatives and other officers to which such ward shall be entitled as aforesaid, for the same terms or term prescribed for representatives and other officers chosen at the first election held in the ward so divided, in and by the act or acts regulating representation therein; and shall annually thereafter elect, by ballot, the municipal representative or representatives and other officers to which said ward shall be entitled as aforesaid; *provided*, that if, at the date of the first election under this act, the term of office of a member of the common council or other governing body theretofore elected to represent the ward so divided shall not have expired, then and in that case such member shall serve out his term of office as a representative of the ward in which his residence may be.

UNTIL DIVISION MADE WARD ENTITLED TO CHOOSE DOUBLE REPRESENTATION.

3. *And be it enacted*, That until such division as provided in section one of this act in any ward of any city in this state where more than one thousand legal votes shall have been polled at the last presidential or any subsequent election, there shall be chosen or elected in such ward at each subsequent municipal election, in the manner provided in section two of this act a sufficient number of councilmen or aldermen to give such ward double the representation in

the common council, city council or board of aldermen it now has; and that such councilmen or aldermen when thus elected shall hold office until their term shall expire, unless said ward is sooner divided as provided in this act, and after such division they shall hold office until the next municipal election, when their successors shall be chosen, as provided in this act.

4. *And be it enacted*, That all acts and parts of acts, whether general or special, inconsistent with the provisions of this act, be and the same are hereby repealed, and that this act shall take effect immediately.

Approved May 10, 1889.

MISCELLANEOUS ACTS

RELATIVE TO

NEWSPAPERS, CEMETERIES,

BOUNDARIES,

INVESTIGATIONS OF ACCOUNTS, &c.

SALE OF PUBLIC LANDS.

APPROPRIATIONS FOR HOLIDAYS,

PARTITION FENCES,

POST OFFICE,

VACANT CORNERS.

Official Newspapers.

CHAPTER CCLI.

A further supplement to an act entitled "An act to incorporate the city of Hoboken."

OFFICIAL NEWSPAPERS.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter the common council of the city of Hoboken shall designate two newspapers, "both of which shall not be of the same political party," one of each political party, which shall publish the proceedings of the council and board of education of said city, and such matters and things as are now required to be published by the charter of the city of Hoboken, or by any amendment thereof or supplement to the same, at prices to be fixed by common council, at rates not exceeding those authorized by law for the printing of legal notices; *provided*, that said newspapers are printed and published in the said city of Hoboken, and now authorized to publish the laws of this state.

2. *And be it enacted*, That section twenty and twenty-one of supplement to an act entitled "An act to incorporate the city of Hoboken," approved March twenty-eighth, eighteen hundred and fifty-five, and which supplement was approved April sixth, eighteen hundred and seventy-one, be and the same are hereby repealed.

3. *And be it enacted*, That all acts or parts of acts

inconsistent with the provisions of the foregoing act are hereby repealed.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 19, 1872.

CHAPTER DLVI.

A further supplement to an act entitled "An act to incorporate the city of Hoboken," approved March twenty-eighth, eighteen hundred and fifty-five.

COUNCIL MAY DESIGNATE GERMAN PAPER TO PRINT PROCEEDINGS.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the council of the city of Hoboken may designate one newspaper published in the city of Hoboken in the German language to print the proceedings of that body, and such other matters and things as are now required to be published by the charter of the said city of Hoboken, or any supplement to the same, in addition to the papers as now by law provided; the compensation to be paid be at the like rates as allowed by the council to the two official newspapers.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 4, 1872.

CHAPTER L.

An Act for the government of cities.

PROCEEDINGS MAY BE PUBLISHED IN A NEWSPAPER OR NEWSPAPERS THAT HAS BEEN PUBLISHED OVER TWO YEARS.

"1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever the board of aldermen, council, or common council of any city is required by the provisions of its charter to designate one or more newspapers to publish the proceedings of such board of aldermen, common council or council, and to publish the proceedings of any of the other boards in said city in a newspaper or newspapers printed and published in said city and authorized to publish the laws of the state at the date of the passage of such city charter or any supplement thereto; that in every such case such city may hereafter publish the said proceedings in a newspaper or newspapers published and printed in said city that shall have been in existence and published in said city for over two years.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 8, 1877.

CHAPTER CLVI.

An Act relative to the publication of the minutes and proceedings of the several municipal boards of the cities of the state.

PROVIDING FOR THE RECOVERY FOR PUBLICATION OF MINUTES AND PROCEEDINGS.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any city in this state the municipal boards whereof are authorized by special act of the legislature to publish the minutes and proceedings of said board or boards, the proprietor or proprietors of the official newspaper or newspapers so designated by said board or boards which said official newspaper or newspapers have heretofore published said minutes in full, and not an abstract or synopsis thereof, shall be entitled to receive and recover from said city or cities payment therefor, according to the rates fixed by said municipal board or boards.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 9, 1877.

CHAPTER LXV.

An Act authorizing the cities of this state to make limited appropriations for the publication of the minutes of the proceedings of their municipal boards.

CITIES AUTHORIZED TO MAKE APPROPRIATIONS FOR PUBLICATION OF MINUTES OF THEIR MUNICIPAL BOARDS.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That with a view to the furnishing of precise and accurate public information of the proceedings of the municipal boards of the cities in this state, it shall be lawful for the board of aldermen, common council, board of finance or other governing body of any city where provision is not now made for reporting or publishing the official minutes, to appropriate annually, a sum not exceeding five hundred dollars, for the reporting and publishing during such year, of the proceedings of its different boards in the several newspapers published and circulated in such city which shall be designated for that purpose; said appropriation, if made, to be distributed in such manner as the governing body of said city shall determine.

2. *And be it enacted*, That this act shall be a public act, and shall take effect immediately.

Approved March 3, 1881.

CHAPTER LXXVIII.

A supplement to an act entitled "An act concerning official newspapers in cities of this state," passed March thirteenth, one thousand eight hundred and eighty-four.

OFFICIAL NEWSPAPERS MAY BE DESIGNATED.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any city in this state to designate as an official newspaper, in addition to the official newspapers authorized to be designated by the charter of such city, a newspaper printed in the German language, which shall have been published in such city at least once a week for a period of not less than one year prior to the passage of this act.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 22, 1886.

CHAPTER CLIII.

A further supplement to an act entitled "An act concerning official newspapers in cities of this state," passed March thirteenth, one thousand eight hundred and eighty-four.

CERTAIN NEWSPAPERS TO BE OFFICIAL NEWSPAPERS.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cities in this state in which a newspaper printed in the German language shall have been published at least once a week for a period of not less than three years prior to the passage of this act, such newspaper printed in the German language shall be designated as an official newspaper of the city in which it has been thus published, in addition to the official newspapers authorized to be designated by the charter of such city or by general enactment; *provided, however*, that in cities where one or more newspapers printed in the German language shall be official newspapers of such city no additional official newspaper printed in the German language shall be named.

2. *And be it enacted*, That all acts or parts of acts inconsistent with this act, be and the same are hereby repealed.

3. *And be it enacted*, That this act shall take effect immediately.

Approved April 11, 1889.

Cemeteries.

CHAPTER CXCVIII.

An Act to authorize the mayor and council of the city of Hoboken to sell or exchange the lands known as the burying ground in the city of Hoboken.

WHEREAS, the late John Stevens dedicated to public use a plot of ground in Hoboken, known as the burying ground, situated between Hudson and River and Sixth and Seventh streets, in Hoboken, being the said lands described in a certain deed from the Hoboken Land and Improvement Company of the county of Hudson, New Jersey, to the mayor and council of the city of Hoboken, dated October first, eighteen hundred and fifty-five; and whereas, the said plot is located in the central portion of the city of Hoboken, and it is considered that the further use thereof for burial purposes will be prejudicial to the health of our citizens; and whereas, the same can be advantageously sold or exchanged for other lands of equal or greater extent; therefore,

MAYOR AND COUNCIL AUTHORIZED TO SELL LAND.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the mayor and council of the city of Hoboken to sell and convey said plot of ground, and with the proceeds thereof to purchase other lands, in such place or locality as the said council by a two-third

vote of all the members thereof may direct, or to exchange the same for other lands, to be selected and located by the aforesaid two-third vote of said council, and the lands so purchased or acquired by said exchange shall be and the same is hereby set apart forever as a public burial place, for the use of the inhabitants of the city of Hoboken.

DEPOSIT ON OF SURPLUS MONEY.

2. *And be it enacted*, That upon the completion of such purchase or exchange, it shall be lawful for said council, by like vote, to expend any part of the surplus moneys arising out of said sale or exchange, in preparing, regulating and ornamenting said new cemetery grounds.

SUPERINTENDENT OF GROUNDS TO BE APPOINTED.

3. *And be it enacted*, That the care and control of said grounds and of burials therein, shall be vested in the council of the city of Hoboken, who may appoint and compensate a person to superintend the same, the mayor and council of said city may give and receive the necessary conveyances to perfect said sale or exchange.

MONEYS RECEIVED TO BE PAID TO CITY TREASURER.

4. *And be it enacted*, That all moneys received, either by sale or exchange of said lands, shall be placed in the hands of the city treasurer of the city of Hoboken, or such other person as said council shall by a majority vote of all its members direct, he or they giving sufficient security for the payment of the same to their order, and shall be expended for the purposes indicated in this act and no other.

REMOVAL OF BODIES FROM BURIAL GROUNDS.

5. *And be it enacted*, That the friends of the deceased interred in the above described lands may remove the bodies therefrom within three months after such sale or exchange, and that at the expiration of said three months the purchaser of the said lands shall, at his own proper cost, under the direction of a person or persons appointed by the council of the city of Hoboken, cause to be removed all remains therefrom and inter the same in a portion of the public burial ground, authorized to be acquired under the provisions of this act, and in case the said purchaser shall neglect to do so at the end of one month, then the same shall be done by the said council or under their direction, and the expense thereof shall be a lien upon said first mentioned burial ground, and be assessed and collected in the manner provided in the city charter for the collection of assessment for improvements.

6. *And be it enacted*, That this act shall take effect immediately.

Approved March 20, 1857.

CHAPTER XXXIX.

A further supplement to an act entitled "An act to incorporate the city of Hoboken," approved March twenty-eighth, eighteen hundred and fifty-five.

POWERS OF MAYOR AND COUNCIL.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the mayor and council of the city of Hoboken are hereby required to procure the public burial ground of the said city to be laid out into avenues and lots, and shall cause a map to be made of the same, which map they shall cause to be filed in the clerk's office of the county of Hudson before selling or disposing of any of the lots in said cemetery.

MAY CONVEY LOTS.

2. *And be it enacted*, That the mayor and council of said city, and their successors, may sell or otherwise dispose of the lots in said cemetery, by conveyances to the respective purchasers thereof in fee by deed, under the corporate seal of said city, signed by the mayor and attested by the clerk thereof, to be occupied only as burial places for deceased human beings, with the uses and privileges of the several avenues, walks and chapels in said cemetery, subject to such regulations as may be established by the mayor and council of said city in relation to the same.

MANAGEMENT.

3. *And be it enacted*, That the care and management of the said cemetery shall be confided to the mayor and council of said city, and their successors, who shall have the exclusive superintendence thereof with power by ordinance to provide for the appointment and employment of such officers and agents as they may deem expedient, to prescribe their duties and to fix their compensation; also, to provide by ordinance for the ornamenting and keeping in good order the grounds, graves, walks and improvements, to prescribe such police regulations relative thereto as they may deem necessary to regulate and control the manner of the interment and removal of the corpse of any deceased person now buried or who shall hereafter be buried in said cemetery; to provide for the investment of so much of the proceeds of the sale of the lots as to them shall be advisable, as a permanent fund, only the interest of which shall be used in carrying out the purposes of this act, and generally to do all other things for the interest of said cemetery and lot holders as may be proper in the premises; it shall also be their duty to cause the same to be enclosed by a good, substantial, neat enclosure, and at all times to keep such enclosure in good order and repair.

NO STREETS TO BE LAID OUT.

4. *And be it enacted*, That no public streets or roads shall hereafter be opened through the said cemetery grounds, and that the said cemetery and all burial lots hereafter sold therein, shall be and remain free from taxation and from sale under any civil service.

LOT RESERVED.

5. *And be it enacted*, That it shall be the duty of the mayor and council of said city to cause to be marked out upon the map aforesaid five acres of the said cemetery, and shall designate the same on said map as "reserved," which portion of said cemetery the mayor and council shall have no power to sell or dispose of, but the same shall be reserved for the free burial of the inhabitants of the said city, under such regulations as shall be required, by ordinance, by the said mayor and council; *provided*, that any member of the immediate family of an inhabitant of said city buried in said cemetery, may be buried therein, although such member may not be at the time of his or her death an inhabitant of said city.

RESIDUE MAY BE SOLD.

6. *And be it enacted*, That the residue of the said cemetery may be sold and disposed of as aforesaid in accordance with the said map, to be filed as aforesaid in the county clerk's office, only to the inhabitants of the said city of Hoboken, the price for each lot being fixed and established by the mayor and council of said city, and being paid for in full before the delivery of the deed; *provided, however*, that after the purchase of any lot or lots by any inhabitant of said city, such purchaser, or any member of his or her immediate family may be buried in such lot so purchased, although such purchaser or member of his or her immediate family may not be at the time of his or her death an inhabitant of said city; *provided also*, no purchaser shall have power to sell or dispose of any lot or lots to any person other than an inhabitant of said city.

REGULATIONS.

7. *And be it enacted*, That the mayor and council of said city shall establish a burial ground fund, to the credit of which shall be placed all moneys received by the sale of lots as aforesaid, together with any moneys now in the possession of the said mayor and council belonging to the said cemetery, and all expenses incurred in carrying out the several provisions of this act shall be paid out of the said burial ground fund, and that the same shall not at any time be paid out of any of the other funds of said city; also, that the said mayor and council are hereby expressly prohibited from using any of the moneys belonging to said fund for any city purpose whatsoever.

8. *And be it enacted*, That all acts and parts of acts inconsistent with this act are hereby repealed, and that this act shall take effect immediately.*

Approved February 18, 1862.

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* See Supplement. Approved March 9, 1868.

CHAPTER CXXIII.

An Act entitled "An act to create a Board of Trustees of the Hoboken Cemetery."

MANAGEMENT OF CEMETERY ENTRUSTED TO TRUSTEES.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the care, management and control of the Hoboken cemetery at New Durham, in the county of Hudson, shall hereafter be vested in and confided to a board of trustees, who shall possess the same powers and perform the same duties as are now confided in the mayor and council of the city of Hoboken in respect to said cemetery, and such further powers, privileges and duties as are conferred upon them by this act.

TRUSTEES, HOW ELECTED, AND THEIR POWERS.

2. *And be it enacted*, That on the third Monday in March, eighteen hundred and sixty-eight, the lot owners in said cemetery shall meet at the office of city inspectors in the city of Hoboken, for the purpose of electing six trustees, who, with the chairman of the council of the city, shall constitute the first board of trustees of said cemetery, and shall be known and styled "The Board of Trustees of the Hoboken Cemetery," and that they and their successors shall at all times hereafter exercise the powers and privileges, and perform the duties conferred by this act; they shall annually elect from among their number a chairman and secretary, and make such needful and proper rules and regulations for their own proceeding and deliberations, and hold meetings

at such times and places as they may think proper, a majority of all said trustees, and no less number, to be a quorum for the transaction of business.

SHALL DETERMINE BY LOT THEIR TERMS OF OFFICE.

3. *And be it enacted*, That at the first meeting of the trustees elected, and by this act the said six trustees shall determine by lot the length of term of their several offices, that one of the said trustees shall hold his office for one year, another shall hold his office for two years, another shall hold his office for three years, another shall hold his office for four years, another shall hold his office for five years, another for six years as may be determined by lot at such meeting, their said terms of office to continue until the first Monday in May in the years when their said terms are to expire; that at least one month before the expiration of the term of office of the trustee having the shortest terms of office, and annually thereafter, the said trustees shall cause notice to be given by publishing the same in two of the newspapers printed in Hoboken, and by posting the same at the public entrance to said cemetery, of the election of a trustee to fill the place of that trustee whose term of office is about to expire, and thereupon an election of such trustee shall be had at such time and place as the said trustees may designate in said notice, and such trustee shall be elected annually by the lot owners in said cemetery, each lot owner to be entitled to one vote for each lot; *provided, however*, that no person shall be eligible to be elected trustee under this act unless at the time of his election he shall be the owner in his own right of one or more lots in said cemetery, and in case of death or resignation of any trustee during his term of office, or of his ceasing to be the owner in his own right of a lot in

said cemetery, the said trustees shall call a special election to fill the vacancy.

DEEDS, HOW GIVEN.

4. *And be it enacted*, That all deeds for any lots of ground in the said cemetery to be sold by the said trustees shall be signed as the same are now by the mayor of the city of Hoboken, attested by the city clerk under the corporate seal of the said city, and countersigned by the secretary of the said board of trustees, but the said trustees may enter into and make all needful and proper contracts for the adorning and improving the said grounds, and other purposes within the scope and meaning of their powers and duties, in their names as trustees, and to enforce the same by action in the corporate name of the city of Hoboken, and all actions against said trustees for anything done or to be done by them within the scope and meaning of their powers and duties shall be brought against the city of Hoboken in its corporate name.

ALL MONEYS RECEIVED AND PAID OUT BY CITY TREASURER.

5. *And be it enacted*, That all moneys received by said trustees shall be paid to the treasurer of the city of Hoboken, who shall in time pay all bills contracted by said trustees when countersigned by the president and secretary of said trustees, and the funds received by the said treasurer shall be placed to the credit of the cemetery fund, and shall not be used for any other purpose than the maintaining and supporting said cemetery.

OTHER THAN RESIDENTS MAY PURCHASE BURIAL PLATS.

6. *And be it enacted*, That nothing in this act shall prevent the sale of burial lots or plots to persons other than residents of the city of Hoboken by the

board of trustees, as they may deem advisable; and they shall cause to be published in two of the newspapers published in Hoboken, once in each year, a detailed statement of their acts as such trustees.

7. *And be it enacted*, That all the provisions of the act entitled "A further supplement to an act entitled 'An act to incorporate the city of Hoboken,'" approved the twenty-eighth day of March, eighteen hundred and fifty-five, which supplement was approved the eighth day of February, eighteen hundred and sixty-two, so far as the same provides for the care and management and control of the said cemetery grounds being placed and confided in the mayor and council of the city of Hoboken, and all other provisions of the said supplement inconsistent with the provisions of this act be and the same are hereby repealed.

8. *And be it enacted*, That this shall be deemed a public act and take effect immediately.

Approved March 9, 1868.

CHAPTER CCCCII.

An Act to authorize the mayor and council of the city of Hoboken to exchange a portion of the Hoboken cemetery grounds for other lands adjoining said cemetery.

AUTHORIZED TO EXCHANGE A PORTION OF CEMETERY GROUNDS.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the mayor and council of the city of Hoboken, upon the request of the board of trustees of the Hoboken cemetery, a majority of all the members of said board of trustees agreeing thereto, to exchange such portion of said cemetery grounds as they may deem advisable for other lands adjoining said cemetery; *provided*, no lands heretofore used for interments or sold to private individuals for burial purposes shall be included in such exchange; and the said mayor and council are hereby authorized and empowered to grant and convey the lands so to be exchanged as aforesaid, in fee simple, free and clear of all liens, easements and incumbrances whatsoever; and that the lands to be acquired by said exchange as aforesaid shall be, and the same are hereby set apart forever as a burial place, and shall be held and used in the same manner, and may be sold and conveyed in plots subject to the same regulations and control as the other portions of said cemetery.

ALTERATION MAY BE MADE ON MAP.

2. *And be it enacted*, That the board of trustees are

authorized and empowered to make such alterations in the map of said cemetery now on file in the office of the clerk of the county of Hudson as may be necessary to carry out the provisions of this act.

3. *And be it enacted*, That all acts and parts of acts inconsistent with this act, be and the same are hereby repealed, and that this act shall be deemed a public act, and take effect immediately.

Approved March 28, 1873.

CHAPTER CCCCXIII.

A supplement to an act entitled "An act to incorporate the city of Hoboken," approved March twenty-eighth, one thousand eight hundred and fifty-five.

MAYOR, EX-OFFICIO A MEMBER OF BOARD OF TRUSTEES.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the mayor of the city of Hoboken shall be ex-officio a member of the board of trustees of the Hoboken cemetery; that the board of trustees of the Hoboken cemetery shall every three months make and deliver to the council of the city of Hoboken a detailed and particular statement of all the receipts and disbursements of said board for the previous three months, and any committee of said council authorized so to do by resolution of said council may at any time examine the books, documents, papers and vouchers of said board.

2. *And be it enacted*, That all the provisions of the act to which this is a supplement, inconsistent with the provisions of this act, be and the same are hereby repealed, and this act shall take effect immediately.

Approved April 9, 1875.

Boundaries.

CHAPTER CXXX.

An Act to create a new township in the county of Hudson, to be called the "township of Weehawken."

BOUNDARIES OF TOWNSHIPS.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the city of Hoboken and the township of North Bergen, in the county of Hudson, included within the following boundaries, that is to say, commencing on the westerly side of the road leading from Bull's ferry to Hoboken, formerly known as the Weehawken turnpike, at a point which divides the lands formerly of Mitchel Saunier and John Van Horne, as the said lands are laid down on a map of L. F. Douglass, bearing date eighteen hundred and forty-one, and from said place of beginning running in a southeasterly direction down the bank of Hudson river, following the same dividing line, and a continuation thereof if protracted to the middle of Hudson river; from thence, returning to the place of beginning; and from said place of beginning running southerly and along the westerly side of said road to the northerly side of the Bergen turnpike road, opposite the lands of John Ehlers, and where said roads intersect; thence northwesterly, and along the northerly side of the said turnpike road, until you reach a point opposite to the intersection of the Palisade

avenue with the Bergen turnpike road aforesaid; thence crossing the said Bergen turnpike, and following along the easterly line of said avenue in a southwesterly direction to lands of Charles Loss, deceased, where the same intersect the said easterly side of Palisade avenue; from thence along the westerly and northerly boundary of said property, as said lands are actually bounded, to where the boundary line of said Loss property intersects the said Bergen turnpike road, and across said road, and in a continuation of said last mentioned line to a point one hundred feet easterly from the easterly line of said road; thence southerly and parallel with the said turnpike, and one hundred feet distant therefrom, to a point nine hundred and fifty feet northerly from the northerly line of Eighth street, in Hoboken, as said street is laid down on Loss' map of Hoboken, filed in the Bergen county clerk's office; thence easterly and parallel with Eighth street to a point where Tenth street intersects with the westerly line of Hudson street, as the same is shown on a map of a part of Hoboken, filed in the clerk's office of the county of Hudson, December thirty-first, eighteen hundred and fifty-eight; from thence southerly along the easterly line of Hudson street as the same is shown on the map last aforesaid, to the northeast corner of Hudson and Seventh street; thence easterly along the northerly line of Seventh street to the northeasterly corner of River and Seventh street; thence southerly along the easterly side of River street to the northerly side of Sixth street, and then east along the north line of Sixth street to the river; and thence in a continuation of said last mentioned line, if protracted to the centre of the river; thence up the river, and along the middle thereof to a point which will reach the line first protracted as aforesaid, to the middle of Hudson

river, shall be and the same is hereby made a new township, to be called by the name of the township of Weehawken.

INHABITANTS INCORPORATED.

2. *And be enacted*, That the inhabitants of the said township of Weehawken are hereby constituted a body politic and corporate in law, by the name of "The Inhabitants of the Township of Weehawken," in the county of Hudson, and state of New Jersey, and are vested with and entitled to all the rights, powers, privileges, authority and advantages, and subject to the same government and liabilities as are prescribed in the act entitled "An act incorporating the inhabitants of townships, designating their powers and regulating their meetings," approved April fourteenth, eighteen hundred and forty-six, except that they shall elect but one chosen freeholder, and shall be entitled to a full proportionate estate, share and interest in any public funds and property with other townships in the county of Hudson, in proportion to the taxable property, and as taxed by the assessors within their respective limits at the last assessment, and subject to like obligations and responsibilities, with other townships in the said county, in the same manner as if herein particularly enumerated and set forth.

ANNUAL TOWN MEETING.

3. *And be it enacted*, That the inhabitants of the said township of Weehawken shall hold their first annual town meeting at the house of Joshua Benson, on the second Wednesday of April, eighteen hundred and fifty-nine, and afterwards at such place in the said township of Weehawken, as shall be determined

by the electors of said township, in the manner prescribed by law.

SETTLEMENT OF PAUPERS.

4. *And be it enacted*, That all paupers who have gained a settlement within the territorial limits included in the said township of Weehawken, shall, after the passage of this act, be chargeable to the township of Weehawken.

JUSTICE OF THE PEACE, &C., TO HOLD OFFICE UNTIL EXPIRATION OF TERM.

5. *And be it enacted*, That justices of the peace, commissioners for taking the acknowledgement and proof of deeds, and other officers residing within the limits of the township of Weehawken, shall hold their offices until the same shall expire by their own limitation.

LANDS, SET OFF, TO BE SUBJECT TO PROPORTIONATE SHARE OF DEBT OF HOBOKEN.

6. *And be it enacted*, That such portion of the lands and property in the first section of this act described and therein included, as are separated and set off from the city of Hoboken shall be subject to a proportionate share of any debt or obligation incurred by the city of Hoboken; and also such portion of the lands and property in the first section of this act described and included therein, as are set off from the township of North Bergen, in the county of Hudson, shall be subject to a proportionate share of any debt or obligation incurred by the inhabitants of the township of North Bergen, in the county of Hudson, and the inhabitants of the township of Weehawken, in the county of Hudson, shall be made liable to the

debts and obligations aforesaid, to be enforced at law or in equity, upon the lands and property aforesaid, in the proportions and in the principles aforesaid.

PART OF FORMER ACT REPEALED.

7. *And be it enacted*, That all acts and parts of acts inconsistent with the creation of the said township of Weehawken, and the boundary and jurisdiction thereof, as in this act contained, are to that extent modified and repealed.

ASSEMBLY DISTRICT.

8. *And be it enacted*, That the said township of Weehawken shall be included in the third assembly district of the county of Hudson.

9. *And be it enacted*, That this act shall take effect immediately.

Approved March 15, 1859.

CHAPTER CCCCLXXII.

A further supplement to an act entitled "An act to incorporate the city of Hoboken," approved March twenty-eighth, eighteen hundred and fifty-five.

BOUNDARIES.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of the act to which this is a supplement be and the same is hereby amended so that the boundaries of said city of Hoboken shall hereafter embrace that part of the county of Hudson embraced within the following boundaries, to wit: beginning at a point on the northerly line of Eighteenth street, as the same is shown on "A map of property situated at Hoboken, Hudson county, New Jersey, belonging to John G. Coster, dated eighteen hundred and sixty," one hundred feet easterly of the easterly line of the Bergen or Hackensack turnpike road, and running thence southerly and parallel with said turnpike, and one hundred feet distant therefrom to a point nine hundred and fifty feet northerly from the northerly line of Eighth street, in Hoboken, as said street is laid down on Loss' map of Hoboken, filed in the Bergen county clerk's office, thence easterly and parallel with Eighth street, to a point where Tenth street intersects with the westerly line of Hudson street, as the same is shown on a map of a part of Hoboken, filed in the clerk's office of the county of Hudson, December thirty-first, eighteen hundred and fifty-eight, from thence southerly along the easterly line of Hudson street as the same is shown on the map last aforesaid to the northeast corner of Hudson and Seventh streets, thence easterly along the northerly

line of Seventh street to the northeasterly corner of River and Seventh streets, thence southerly along the easterly line of River street to the northerly side of Sixth street, and thence easterly along the northerly line of Sixth street to the Hudson river, and thence in continuation of said last mentioned line if protracted to the centre of Hudson river, thence down the river and along the middle thereof to a point opposite the southerly line of Ninth street, at Jersey City, as laid down on a map of L. F. Douglass, dated eighteen hundred and forty-one, if the said line was protracted to the centre of the river, thence westerly and along the said line to the intersection of the same with a line running one hundred feet westerly from the westerly line of Willow street, in Hoboken, if protracted to said southerly line of Ninth street as shown on L. F. Douglass' map, thence northerly and parallel with Willow street to a line one hundred feet southerly from the southerly line of Ferry street, in Hoboken, thence westerly and parallel with Ferry street to a line one hundred feet southerly from the southerly line of Newark street or turnpike to Newark, as laid down on the map of L. F. Douglass mentioned above, thence westerly and parallel with Newark street to the foot of Bergen hill; thence northerly and along the foot of the Bergen hill, at its intersection with the centre of the Paterson plank road; thence northerly and along the centre of the Paterson plank road, the several courses thereof, till it intersects with the southerly line of Ninth street, in Hoboken, if protracted to the centre of the Paterson plank road; thence easterly and along the southerly line of Ninth street until it intersects with the westerly line of John G. Coster, deceased, as laid down on the map mentioned above; thence northerly along the westerly line of said property, the several courses thereof, till it in-

tersects with the westerly line of the Bergen or Hackensack turnpike road; thence northerly and along the westerly line of said turnpike road till it intersects with the northerly line of Eighteenth street, as the same is shown on the map of the property of John G. Coster, before mentioned; thence easterly and along the the northerly line of Eighteenth street to a point one hundred feet easterly of the easterly line of Bergen or Hackensack turnpike road, the place of beginning.

LICENSES.

2. *And be it enacted*, That sub-division eleventh of section forty of the act to which this is a supplement be and the same is hereby amended so as to read as follows, to wit: to license and regulate cartmen, hackmen, auctioneers, common criers, hawkers, peddlers, junk-shop dealers, junk dealers, venders, porters, hucksters, city railroad cars, dealers in second-hand articles, and scavengers, and to fix the rates of compensation to be allowed to them, and to prohibit unlicensed persons from acting in such capacities, and to locate, regulate and remove slaughter-houses and petroleum refineries.

AGREEMENT MAY BE MADE BETWEEN BORROWER AND LENDER.

3. *And be it enacted*, That it shall and may be lawful for the borrower and lender of any moneys secured by mortgage upon personal or real estate situated in said city to enter into any contract or agreement whereby the borrower shall pay all governmental, state, city or township or other taxes which may or might without the passage of this act be assessed upon the money so lent or to be loaned, and the securities for the payment thereof, and all such

contracts and agreements are hereby made and declared to be valid and effectual in law; and no such mortgage or other security shall be held, deemed or taken in any court of this state to be usurious or invalidated by reason of any such contract or agreement, anything in any existing [law] of this state to the contrary in anywise notwithstanding.

PART OF ORIGINAL ACT AMENDED.

4. *And be it enacted*, That section forty-three of the act to which this is a supplement be and the same is hereby amended by striking out therein the words "three mills" and inserting in lieu thereof the words "eight mills."

TIME FOR MAKING ASSESSMENT.

5. *And be it enacted*, That all taxes for city purposes shall annually hereafter be assessed by the assessors in said city between the second Monday in May and the twentieth day of July, and the commissioners of appeal in cases of taxation in and for said city are hereby required annually hereafter to convene on the first Monday in August, and said commissioners shall have no power after the third Monday in August to reduce or alter the assessment made by the assessors in said city under the act to which this is a supplement.

PENALTY FOR NEGLECT OF DUTIES.

6. *And be it enacted*, That if any assessor or commissioner of appeal in cases of taxation in the city of Hoboken shall neglect or refuse to perform any service or duty at the time and in the manner required by law, he shall for every such neglect or refusal forfeit and pay the sum of one hundred dollars to be

recovered with costs, by action of debt, in the name of the mayor and common council of the city of Hoboken and for the use of said city.

7. *And be it enacted*, That this act shall be deemed a public act and shall take effect on the first day of May, one thousand eight hundred and sixty-six.

Approved April 6, 1866.

CHAPTER V.

An act to amend an act entitled "A further supplement to an act entitled an act to incorporate the city of Hoboken, approved March twenty-eighth, eighteen hundred and fifty-five," which supplement was approved April sixth, eighteen hundred and sixty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the first section of the act entitled "A further supplement to an act entitled an act to incorporate the city of Hoboken, approved March twenty-eighth, eighteen hundred and fifty-five, approved April sixth, eighteen hundred and sixty-six," be and the same is hereby so amended that the southerly line of the boundaries named in said section shall correspond to the northerly line of Jersey City, as the same was established by an act entitled "An act to incorporate Jersey City," approved March eighteenth, eighteen hundred and fifty-one.

2. *And be it enacted*, That so much of the act to which this is a supplement as is inconsistent with this act, be and the same is hereby repealed; *provided*, that any annual tax which may have been levied by the authorities of the city of Hoboken, upon lands south of the northerly boundary line of Jersey City, as established by its said act of incorporation, shall be paid to the proper authorities of Jersey City.

3. *And be it enacted*, That this act shall take effect immediately.

Approved January 29, 1867.

CHAPTER CCCCXLIII.

A further supplement to an act entitled "An act to incorporate the city of Hudson," approved April eleventh, eighteen hundred and fifty-five.

FLIGHTS OF STEPS OR STAIRS TO BE ERECTED AND KEPT IN REPAIR.

4. *And be it enacted*, That when the said common council shall cause to be laid out or opened, any street or avenue easterly of Hudson avenue, or easterly of Palisade avenue as empowered by a supplement to the act to which this act is a supplement, approved March twenty-fourth, eighteen hundred and sixty-four, it shall be lawful for said common council to erect and maintain and keep in repair on the same, such flights of stairs or steps of stone or iron, or both, or combined as in their estimation may be required, for the purpose of enabling travellers and pedestrians to ascend and descend the ridge existing near the easterly boundary of the city, the expense for the erection of which, shall be assessed in the same manner as for any improvement in section forty-second of the act to which this act is a supplement, and according to second section of this supplement; and the expense for maintaining and keeping in repair shall be paid out of the city treasury, and that the appropriation for street repairs shall include such expenditure.

BOUNDARIES OF TRACT OF LAND ANNEXED TO CITY.

6. *And be it enacted*, That the following described tract of land, on and near the easterly boundary of

said city is hereby annexed to said city, and shall be included within the corporate limits of the same, that is to say, all that certain tract of land beginning at a point in the southeasterly side of the Hoboken turnpike, at the turn in the same at the foot of the hill; thence running in a straight line along the foot of the hill to the centre of the Paterson and New York plank road; thence along the centre of the said Paterson and New York plank road to a point where the southerly line of Ninth street, as laid down on a map of the property of John G. Coster, deceased, if produced, would meet the said centre line of said Paterson and New York plank road; thence along the said southerly line of Ninth street produced to the westerly line of the said Coster property, as laid down in said map; thence along the said westerly line of the said Coster property the various courses thereof to the southerly side of the tide bank on the southerly side of the Hoboken turnpike; thence along the southerly side of the said tide bank to the bridge, near the foot of the hill; thence along the southeasterly side of the said Hoboken turnpike to the point of beginning; and that the plot of land embraced within the boundaries aforesaid be, and the same is hereby, annexed to the third ward of said city.

Approved April 11, 1867.

CHAPTER CCCXXVI.

A further supplement to an act entitled "An act to incorporate the city of Hoboken," approved March twenty-eighth, one thousand eight hundred and fifty-five.

BOUNDARIES OF PORTION ANNEXED TO CITY.

[1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that portion of the territory of the township of Weehawken, in the county of Hudson, situate, lying and being southerly of a certain line described as follows; that is to say, beginning at a point in the middle of the Hudson river, due east from the mouth of Loss or Sluice creek; thence running due west to the centre of said creek at its mouth; thence along the centre of said creek, the several courses thereof, to the great bend of the same, and being the same territory designated and included in the corporate limits of the city of Hoboken by the act to which this is a supplement, be and the same is hereby set apart from the said township of Weehawken, and re-annexed to the said city of Hoboken, and that the same shall be included within the corporate limits of said city.

CERTAIN OFFICES NOT TO EXPIRE.

2. *And be it enacted*, That all justices of the peace, commissioners of deeds and other officers, residing within the limits of the territory hereby annexed to the city of Hoboken, shall hold their respective offices until the same shall expire by their own limitation.

PORTION SET OFF SUBJECT TO PROPORTIONATE SHARE OF DEBT.

3. *And be it enacted*, That such portion of the lands and property described in the first portion of this act, as separated and set off from the township of Weehawken, shall be subject to a proportionate share of any debt or obligation incurred by the inhabitants of the said township of Weehawken; and the mayor and council of the city of Hoboken shall be made liable to the debts and obligations aforesaid, to be enforced at law or in equity upon the lands and property aforesaid, and in the proportion and upon the principles aforesaid. The portion of the territory of the township of Weehawken set apart from said township and annexed to the city of Hoboken by the first section of this act shall be liable to taxation the same as other property in the city of Hoboken, unless within thirty days from the passage of this act the owners of a majority in value or area of the territory so set apart and annexed shall file their assent to this act with and pay the sum of five hundred dollars to the treasurer of the city of Hoboken, and the payment of said sum shall be in lieu and satisfaction of all tax or imposition that may hereafter be levied to pay the principal or interest of any indebtedness heretofore incurred by the city of Hoboken, for any purpose whatsoever, except as hereinafter mentioned and upon the territory so set apart and annexed no tax shall hereafter be levied to pay all or any part of the indebtedness heretofore incurred by the city of Hoboken or any interest thereon excepting that indebtedness of the said city of Hoboken represented by the so called water bonds and so called park improvement bonds of the said city of Hoboken, together with the interest thereon, and the city authorities of the city of Hoboken shall

hereafter so apportion the taxes of said city, that no tax for any portion of the indebtedness heretofore incurred by said city before the passage of this act excepting as aforesaid shall ever be levied upon or collected from the territory so set apart and annexed to said city by this act.

Act approved March 21, 1874.

CHAPTER CXXXVIII.

A further supplement to an act entitled "An act to incorporate the city of Hoboken," approved March twenty-eighth, one thousand eight hundred and fifty-five.

FINANCIAL STATEMENT TO BE PUBLISHED IN PAMPHLET FORM FOR DISTRIBUTION.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the annual financial statement by the thirty-fifth section of the act to which this is a supplement, required to be published shall hereafter, at least once a year, not more than thirty and not less than twenty days before the annual city election, be printed and published in pamphlet form; and within the time aforesaid at least one thousand copies thereof deposited in the city clerk's office to be by the city clerk freely distributed and given to the citizens and tax-payers of said city, and that no other publication of said financial statement than as herein provided for shall be required.

2. *And be it enacted*, That all acts and parts of acts inconsistent with this act, be and the same are hereby repealed; that this shall be deemed a public act, and shall take effect immediately.

Approved March 5, 1873.

Investigation of Accounts.

CHAPTER XV.

An Act to provide for the summary investigation of county and municipal expenditures.

JUSTICES OF SUPREME COURT TO CAUSE SUMMARY INVESTIGATION TO BE MADE.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if twenty-five freeholders in any incorporated village, borough, town or city, or in any county in this state shall present to any justice of the supreme court an affidavit sworn to and subscribed by themselves and setting forth that they are freeholders and have paid taxes on real estate within one year, and that they have cause to believe that the moneys of such incorporated village, borough, town or city, or of such county are being or have been unlawfully or corruptly expended it shall be the duty of such justice upon ten days' notice to the disbursing officer and the legislative body of such village, borough, town, city or county, to make a summary investigation into the affairs of such corporation, and at his discretion he may appoint experts to prosecute such investigation, and may cause the results thereof to be published in such manner as he may deem proper; it shall be the duty of the officers and the legislative body of any such corporation to obey any orders of such justice for facilitating such investigation, and any refusal or failure to obey such orders may be punished by such

justice as for contempt; the costs incurred under this act shall be taxed by said justice and paid upon his order by the disbursing officer of the corporation whose expenditures may have been investigated.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 18, 1879.

CHAPTER C.

A supplement to an act entitled "An act to provide for the summary investigation of county and municipal expenditures," approved February eighteenth, one thousand eight hundred and seventy-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the first section of an act entitled "An act to provide for the summary investigation of county and municipal expenditures" approved February eighteenth, one thousand eight hundred and seventy-nine, be and the same is hereby amended so as to read as follows:

JUSTICE OF SUPREME COURT TO CAUSE SUMMARY INVESTIGATION TO BE MADE.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if twenty-five freeholders in any incorporated village, borough, town or city, or in any township or county in this state, shall present to any justice of the supreme court an affidavit sworn to and subscribed by themselves, and setting forth that they are freeholders and have paid taxes on real estate within one year, and that they have cause to believe that the moneys of such incorporated village, borough, town or city, or of such township or county, are being or have been unlawfully or corruptly expended, it shall be the duty of such justice upon ten days' notice to the disbursing officer and the legislative body of such village, borough, town, city, township or county, to make a summary investigation into the affairs of such corpora-

tion, and at his discretion he may appoint experts to prosecute such investigation, and may cause the results thereof to be published in such manner as he may deem proper; it shall be the duty of the officers and the legislative body of any such corporation to obey any orders of such justice for facilitating such investigation, and any refusal or failure to obey such orders may be punished by such justice as for contempt; the costs incurred under this act shall be taxed by said justice and paid upon his order by the disbursing officer of the corporation, whose expenditure may have been investigated.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 15, 1881.

Sale of Public Lands.

CHAPTER LXIII.

An Act providing for the sale of certain lands in cities, subject to dedication for public uses, and vesting title thereto in the purchaser.

CITY BOARD MAY SELL CERTAIN LANDS DEDICATED TO PUBLIC USE AT PUBLIC AUCTION.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where land has been dedicated to public uses in any city of this state, other than for streets or parks, and is now in the possession of and being used by the city authorities of such city, that the city board having control of and using such property as aforesaid, may, without the action of any other board, at any time, when in its judgment the location where such property is situated, has or shall become unfit for the purposes for which the same is being used, sell said property at public auction, upon two weeks advertisment, to the highest bidder therefore, and the mayor shall execute upon behalf of the city, under its corporate seal, attested by the city clerk, a deed conveying said property to the purchaser, upon the purchase money being first paid to the city treasurer; the purchase money shall be held by the city treasurer and his successors in office to be used exclusively for the purchase of other real estate, and the erection thereon of buildings and furnishing the same for the same public uses as the property sold; the expenditure

of money therefore to be by said city board making said sale.

BOARD MAY MAKE CONTRACT WITH OWNER OF FEE OF LAND.

2. *And be it enacted*, That the said city board may, in any case provided for in section one, when they deem it necessary, make a contract, upon such terms as said board shall deem just, with the owner or owners of the fee of the land desired to be sold, by which said owner or owners will execute a conveyance of said land to the city, or to the purchaser of said land, as may be deemed best, and carry out the terms thereof; and upon such sale and such action of the owner or owners, the title of the land in fee simple so sold, shall vest in the purchaser, his heirs and assigns forever, free from any and all dedications for public uses of every kind whatever.

3. *And be it enacted*, That this act is a general public act and shall take effect immediately.

Approved March 3, 1881.

Appropriations for Holidays.

CHAPTER CXXXII.

An Act authorizing the cities of this state to appropriate moneys for the celebration of the fourth of July, Washington's birthday and Decoration day.

CITIES AUTHORIZED TO APPROPRIATE MONEY FOR THE CELEBRATION OF CERTAIN DAYS.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the common councils, boards of aldermen, boards of finance, or other governing bodies of any city in this state, in addition to the powers conferred upon them by their respective charters, to appropriate such sums of money as they may deem expedient for the celebration of fourth of July, Washington's birthday and Decoration day in each year.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 10, 1880.

Partition Fences.

CHAPTER CCXXII.

An Act to grant power to the city council of cities to regulate and control by ordinance the erecting and repairing partition fences in cities.

CITY COUNCIL MAY MAKE AND REPEAL ORDINANCES RELATING TO PARTITION FENCES.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That power and authority is hereby granted to the city council of any city of this state to pass, alter and repeal ordinances regulating the building, erecting and repairing of partition fences within said city, prescribing the notice to be given and manner of proceeding to make each land owner liable for one-half of the cost and expense of building a line or partition fence between the lands of such person or corporation and that of any other person or corporation, and such sum may be recovered by action of debt or in attachment in any court having jurisdiction of such sum by the person incurring such cost and expense in accordance with the provisions of any such ordinance.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 5, 1878.

Miscellaneous.

CHAPTER CVI.

A supplement to an act entitled "An act to incorporate the city of Hoboken," approved March twenty-eighth, eighteen hundred and fifty-five.

WHEREAS, Willow street, from Newark avenue to the Hackensack plank road, in the city of Hoboken, is undergoing improvement under and by virtue of an ordinance of the mayor and council of the city of Hoboken, passed for that purpose, and approved April fifteenth, eighteen hundred and sixty-nine; and, whereas, said improvement was divided into sections and separate contracts on each of said sections were awarded to several different contractors for making said improvements; and, whereas, the said improvements on some of the said sections are now completed and finished, while other sections of said improvements will not be completed for a long time to come; and, whereas, it is desirable that the lands benefited by the said improvements along the said sections already completed, should be assessed for such benefits received and the money collected therefor for the purpose of paying the contractors for doing said work on said sections now completed; therefore,

EXPENSES HOW ASCERTAINED AND ASSESSED.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the expense of

each of the sections of said improvement now completed shall be ascertained and assessed by three impartial commissioners not interested therein, who shall be appointed by said council from the freeholders resident in the city as soon as may be after the passage of this act, which commissioners shall examine into the whole matter and shall determine and report in writing to the council what real estate ought to be assessed for such section of said improvement, and what proportion of such expenses shall be assessed to each separate parcel or lot of land, and shall accompany such report with a map containing each lot assessed and the name of the owner or owners thereof, which report and map shall be filed in the office of the city clerk, whereupon the said clerk shall cause to be inserted in the newspapers, as now required by law, for at least ten days, notice of the filing of said report, and that the council will meet at a time and place to be specified in said notice to consider said assessment and receive and consider all objections thereto which may be presented in writing; at said day named in said notice, or at any time thereafter, the council may confirm said assessment, or if they refuse to confirm the same they may return the same to said commissioners for correction in any particulars named by said council; and said commissioners shall amend said report and map in the particulars named and report again to the council, and if said report and map be amended as directed, the council may thereafter, without any notice to any person, confirm said assessment or assessments, and upon said confirmation said assesssment or assessments shall constitute a lien on the property assessed for the amount of such assessment or assessments, and shall be collected as assessments for improvements have been heretofore collected in said city.

COMMISSIONERS OF ASSESSMENTS.

2. *And be it enacted*, That on each of the remaining sections of said Willow street improvement, commissioners of assessment may be appointed at any time after the passage of this act, which commissioners and the said council, shall proceed in all things to make and confirm assessments thereon as directed in the preceding section of this act.

COUNCIL MAY APPOINT SURVEYORS TO ASSIST COMMISSIONERS.

3. *And be it enacted*, That the council may, whenever they deem it advisable, appoint one or more city surveyor or city surveyors to assist commissioners of assessments, appointed by said council in making measurements and estimating quantities to enable the said commissioners to arrive at a just conclusion in the matters submitted to them, and that the fees and expenses of such surveyor or surveyors shall be added to the costs of such improvement or section of an improvement, and assessed upon the property benefited by such improvement or section thereof.

SECTIONS OF STREET IMPROVEMENTS ASSESSED, &C.

4. *And be it enacted*, That hereafter, whenever any street improvement in said city is contracted for by sections, commissioners of assessments may be appointed by said council on each section, and the costs of each section may be assessed upon the property benefited thereby, in proportion to the benefit received, as soon as such section is completed, notwithstanding the entire improvement may not be completed.

ASSESSMENTS DECLARED LEGAL.

5. *And be it enacted*, That all assessments made by sections for any improvement in said city, which heretofore have been or hereafter may be confirmed by said council, shall not for that reason be considered invalid or illegal, but shall be legal, valid and binding to all intents and purposes.

CONFIRMATION OF ASSESSMENTS, &C.

6. *And be it enacted*, That in any case after the commissioners of assessments have filed their report and assessment map and notice thereof, and of the time and place when and where the council will meet to hear objections thereto, as now required by law, at said day appointed for hearing the objections thereto, or at any time after afterwards, the said council may confirm said assessment, or if they refuse to confirm the same they may return the same to said commissioners for correction in any particulars named by said council, and the said commissioners shall amend said report and map in the particulars named and report again to the council, and if said report and map be amended as directed, the council may thereafter, without any notice to any person, confirm said assessments.

TIME OF APPOINTING COMMISSIONERS.

7. *And be it enacted*, That the council may appoint commissioners of assessments on any improvement, or any section of an improvement, immediately after the contract therefor is awarded; *provided*, said commissioners shall not make their assessments or report to the council until the improvement or section thereof on which they are appointed is completed.

POLL TAX DECLARED UNLAWFUL.

8. *And be it enacted*, That hereafter it shall not be lawful for the mayor and council of the city of Hoboken to cause to be assessed any poll tax upon the inhabitants of said city of Hoboken, to raise money to pay the principal or interest on any volunteer bounty bonds issued by said "The Mayor and Council of the city of Hoboken;" and that the mayor and council shall cause the real and personal estate in said city of Hoboken to be assessed at the full and actual value thereof, at such rate per dollar as will be sufficient to produce the sum required to be raised for such purposes.

SALARY OF CORPORATION ATTORNEY.

9. *And be it enacted*, That the ordinance of the mayor and council of the city of Hoboken, fixing the salary of the corporation attorney of the city of Hoboken, passed June twenty-ninth and approved June thirtieth, eighteen hundred and sixty-nine, shall take effect from the said thirtieth day of June, and that the said corporation attorney shall be entitled to receive the salary in said ordinance mentioned, from the said thirtieth day of June last passed until the end of his official term.

10. *And be it enacted*, That all acts and parts of acts inconsistent with this act, be and the same are hereby repealed.

11. *And be it enacted*, That this act shall take effect immediately.

Approved February 23, 1870.

Post Office.

CHAPTER II.

An Act ceding to the United States jurisdiction over a lot of land, situate in the city of Hoboken, and for other purposes therein mentioned.

WHEREAS, the United States have recently appropriated money for the erection of a building in the city of Hoboken for the accommodation of the post office, the United States courts, pension and internal revenue offices; therefore,

LANDS CEDED TO THE UNITED STATES.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That jurisdiction of the land and its appurtenances that may be purchased in said city of Hoboken, for the erection of the aforesaid building, be and the same is hereby ceded to the United States of America; *provided*, that all civil and criminal process, issued under the authority of this state, or any officer thereof, may be executed on said land in the same way and manner as if jurisdiction had not been ceded as aforesaid.

LANDS, &C., EXEMPTED FROM TAXES AND ASSESSMENTS.

2. *And be it enacted*, That the said land, with its appurtenances and the building, and other property thereon, shall forever hereafter be exempted from all state, county and municipal taxation and assessment, so long as the same shall remain the property of the United States of America.

3. *And be it enacted*, That this act shall take effect immediately.

Approved February 5, 1889.

Vacant Corners.

CHAPTER XCI.

An Act for the government of cities.

AUTHORIZED TO SELL AND CONVEY LAND.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cities of this state having vacant corners at the intersection of any of the streets, the titles to which land is in the said city or cities, or in the inhabitants thereof, by virtue of will or grant, the city council or board of aldermen of such city or cities, by a two-thirds vote thereof, shall be authorized to sell and convey the same in fee; *provided*, that no sale thereof shall be made without the written consent of the owners of lots fronting on said vacant corners.

MONEY TO BE PAID INTO CITY TREASURY.

2. *And be it enacted*, That all moneys received from the sale of said vacant corners shall be paid into the treasury of the said city where said vacant lots are situate.

NOT TO APPLY TO CERTAIN CITIES.

3. *And be it enacted*, That the provisions of this act shall not apply to cities of this state having, by the last state census, a population exceeding fifty thousand, and that this act shall take effect immediately.

Approved March 13, 1879.

Pawnbrokers.

CHAPTER XV.

A supplement to an act entitled "An act to regulate and license pawnbrokers," approved March twenty-ninth, one thousand eight hundred and eighty-seven.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no pawnbrokers shall sell, keep or offer for sale, in the house or place designated in the license, under and by authority of which the business of such pawnbroker is conducted, any goods or merchandise whatsoever which have not been regularly received by such pawnbroker by way of pledge or pawn.

2. *And be it enacted*, That any pawnbroker who shall violate the provisions of this act shall forfeit and pay to the city from which such license was received a fine or penalty of one hundred dollars for each and every offense.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 4, 1890.

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—TO—

HOBOKEN CITY CHARTER.

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